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DIGESTS OF RECENT OPINIONS

EQUITY PLEADING. — Particulars, Degree of Itemization — Proper Parties.

Heirs and Next of Kin Should be Parties to Suits for Construction of Will.

EXECUTORS AND ADMINISTRATORS — Action to Recover Personal Property Should be Brought by Personal Representatives.

In Chancery of New Jersey.

Child, Complt. v. Wherry, Deft.

May 19, 1937.

On petition and notice of motion. Motion denied.

For complainant, Harry W. Sherman, sol'r. of counsel.

For defendants, Pitney, Hardin & Skinner, sol'rs and of counsel.

Stein, V. C.

This action is brought by the complainant, as the substituted administrator, with the will annexed, of the estate of Andrew Kirkpatrick. The bill charges, John Bayard Kirkpatrick, one of the co-executors of the estate, with breaches of trust consisting of commingling trust funds with his own, failure to account and failure to distribute the assets to two of the children of Andrew Kirkpatrick. The bill seeks discovery of such assets from the defendants in this action and construction of said instructions as to the will of Andrew Kirkpatrick.

In 1928 and sometime after Andrew's death, John Bayard died without having administered Andrew's estate. The will of John Bayard devised his entire estate to his wife, who died in 1930 and by her will named the defendants as co-executors.

The assets of the estate of Mrs. John Bayard Kirkpatrick is alleged to have consisted of the assets of the estates of Andrew and John Bayard Kirkpatrick, commingled. The bill further states that no accounting was filed for either estate but the property listed in the John Bayard estate is similar in many items to that listed by the Andrew Kirkpatrick estate. The bill also states that personal property was sold and the proceeds never accounted for and that money was withdrawn without being accounted for.

The defendants, before answer, petition the court for an order that the complainant particularize the charges, add as parties defendants, the unpaid legatees and that the bill be amended accordingly. At the hearing on the petition the court denied the motion and dismissed the petition.

Held:

Chancery Rule 47 provides that fraud, breach of trust, etc., shall be stated with particulars of the wrong, with dates and items. In the light of that rule the specific charges made here have been particularized as far as practical without stating the evidence relied upon to sustain the charges.

The unpaid legatees are not necessary parties to this action. To recover personal property belonging to an estate the proper parties to bring such action are the personal representatives, not the heirs, next of kin or legatees. Buchanan, 75 N. J. E. 274, 71 A. 705.

Where a bill asks for a construction of a will and for instructions in relation thereto all persons interested in the administration of the estate must be made parties to the suit. **But** in the instant case, an examination of the bill clearly indicates that such prayers are mere surplusage and will not be the basis for compelling the complainant to make the unpaid legatees parties to this suit. However, if, at the final hearing it appears that the will requires construction the defendants will be protected as to the relief now requested and denied in accordance with Chancery Rule No 12 which gives the court full control as to the addition of parties to the suit.

Motion denied. Petition dismissed.

CONDITIONAL SALES — Effect of Judgment on Promissory Note for the Price—P. L. 1930 Ch. 132 Construed.

In Chancery of New Jersey.

Atlantic Highlands B. & L. Ass'n. v. Kelly.

April 22, 1937.

On bill and counterclaim. Decree for counterclaimant.

For complainant, Snyder, Roberts & Pillsbury.

For counterclaimant, William Henig, Solicitor. L. Stanley Ford, of counsel.

Berry, V. C.

The complainant filed a bill of foreclosure against the defendant and made the counterclaimant a party defendant because it held a conditional bill of sale on certain heating equipment on which agreement there had been a default which had been reduced to judgment by suit on the promissory note that had been executed by the mortgagor. Thus the counterclaimant holds a conditional bill of sale and a judgment for the balance. The judgment has not been enforced nor has any money been collected on account thereof.

As between the mortgagee and conditional vendor, the mortgage was filed first but the vendor challanges the complainants priority and by counterclaim seeks to recover the equipment. The complainant contends that the chattels are now part of the realty and that the reservation of title was void since the complainant did not assent thereto, and finally, that the judgment voided the vendor's right to retake.

Held:

The first two grounds having been abandoned the complainant rests entirely on the third.

Section 24 of the Conditional Bill of Sales Act does not deprive the vendor of his right to retake the goods on default by reason of the entry of a judgment for the sum due. Such effect is possible, if at all, by virtue of P. L. 1930 Ch. 132. But a reading of the act shows that it applies only to judgments entered on "bond and warrant." The judgment here asserted as a bar to recaption is on a promissory note. The intent of the act is governed by the language used and does not apply in the case at bar.

Decree for Counterclaimant.

(Continued on page 2, col. 1)

Cases Of Interest

Sister State Decisions

CONTRACTS — Construction — Terms of Particular Art.

New York Court of Appeals.

Fox Film Corp. applt. v. Springer and Cocalis, resps.

April 20, 1937.

Action on contract. Complaint struck. New trial granted.

Lehman, J.

The plaintiff is a distributor of motion pictures. The defendants are exhibitors, owners of a chain of theatres. They entered into a contract in 1934 in writing whereby the defendants agreed to exhibit fifty-eight films and pay a license fee for each one. The contract also provided "On six pictures allocated by Fox, Fox is to receive fifty per cent overage after the theatre has received as fifty per cent profit what Fox receives as film rental. Expenses are to be on the basis of one-tenth week days, two-tenths Saturday and three-tenths Sunday. These six pictures are to be played three or four days for week ends, depending on the house policy."

The plaintiff sued to collect for two such pictures but the complaint was dismissed because the contract requires "accounting upon six pictures as one group", and hence no recovery can be had for separate films. This is the sole point at issue.

Held: Reversed. New trial awarded.

The parties who made the contract understood what the various terms used meant. These terms are used throughout the contract as well as in the clause quoted. That they are intelligible to others in the same business is apparent. The court would accept such meaning if the parties agreed on the meaning such terms were intended to have, but where there is a disagreement the court is left without a guide.

The parties, if they choose, may use their own special dictionaries but those dictionaries must be furnished to those whom they ask to interpret their contracts, in this case, the court. That has not been done. This court is illiterate in those terms. To find out what was the intent of the parties the court must be made literate in such unfamiliar terms before passing on the contract one way or the other.

Lower courts reversed. New trial granted.

Opposition to Supreme Court Reorganization

The Special Committee consisting of Jacob L. Newman, Chairman, William T. Boyle, Charles M. Myers, Henry Collin Minton, Jr., and Garret Van Cleve, in opposition to the contemplated change in the United States Supreme Court, submitted the following report.

The Committee recommended that a telegram be sent immediately to the Judiciary Committee of the United States Senate, informing them of the resolution adopted by the Association, at its February Term in which it stated its opposition to the reorganiza-

(Continued on page 8, col. 4)

Willam W. Evans Reviews State Bar Activities

William W. Evans, as retiring President of the New Jersey State Bar Association, made an address in which he reviewed the accomplishments of the Association for the past year. Being in a position to view the activities of every division and committee of the Association he stated himself to be fully satisfied with the results obtained.

Committee Activity

The work of the Association has increased as a result of numerically increasing membership. The influx of younger members of the Bar has made it necessary for new committees to be formed and old ones to function more actively. The increase in interest was indicated by the fact that the Association has formed a section on Commercial Law and also a section on Municipal Law. Both of these sections have submitted reports as to the breadth of the field each proposes to fill. Early reports of these sections have shown definite progress.

The Junior Bar and the Banking Section have held special meetings which have been largely attended. The value of the Council as a unit working with the State Bar Association has been evidenced by the large attendances at its meetings and by the vigorous debates and sustained interest during such meetings. The President compared such meetings with former meetings which took place a few times during the year and lasted less than an hour. Today similar meetings last all day.

Committee action was indicated by the use of the Resolutions Committee to consider and report on all resolutions offered; the committee to oppose the adoption by Congress of proposals to add to the United States Supreme Court has worked in conjunction with a similar committee of the American Bar Association headed by Sylvester C. Smith; the committee to confer with the Supreme Court on admissions to the Bar has functioned and its report been acted upon; another commitee concerned itself with the bill to regulate the practice of law; there were other committees in addition to those just mentioned that did their share of the Association work effectively to the best interests of the Bar. President Evans said that a bill to integrate the bar by rule of Court had been prepared. He advocated its passage, saying that membership in an association is most necessary to the best welfare of the members of the Bar. Each member should contribute to the cost of the activities and should aid in its work.

Early Completion of Revision Work Expected

In the fields of annotations to restatement of law and revision of the statutes, Mr. Evans indicated that the revision would be completed this year due largely to the capable direction of those in charge of such work; as to the annotation, he said that the work was proceeding under financial assistance from the Government as a W.P.A. project and that the Association has authorized an expenditure of not more than $400 which is a contribution required by the Government. The Committee on Cooperation with the work of the American Law Institute has reported the completion of the annotations to the law on contracts, which have appeared in printed form.

Recommendations

Mr. Evans then went on to offer several recommendations to the new administration. He advocated a coordination of the work of the Committees, the Council and the Board of Trustees which should be effected through the appointment of some capable member who will confer with committees, examine reports and correlate the activities of the Association. Such a man would in effect be a continuing assistant to the President. A card index for each member showing his attendance at the meetings, record of activities, interests in the Association work and similar data for the purpose of indicating a member's availability for service in the Association. He advised visits for purposes of contact between official representatives of the Association and county and city bar associations. Mr. Evans recommended the formation of sections on Insurance, Negligence, Criminal, Building and Loan and other phases of law.

Lawyers' Bill Recommended

He advocated that the bill to integrate the bar should be pressed

(Continued on page 3, col. 3)

Plan To Divide U. S. District Court Opposed

By a resolution read by George W. C. McCarter and adopted at the convention it was resolved that the District Court of the United States for the District of New Jersey should continue undivided as heretofore and that the Association disapproves of any legislation as to the division of the District of New Jersey.

The Association approved the underlying purpose of the plan insofar as to appointment of an additional Judge to diminish the burden on the present four judges.

Arthur T. Vanderbilt Declines Nomination

Arthur T. Vanderbilt of Newark, declined the nomination for the office of President of the New Jersey State Bar Association. Mr. Vanderbilt has been nominated as President of the American Bar Association and is of the opinion associations.

The feeling of the State Bar is best expressed by Judge Boyle in his report in the Quarterly, "The American Bar called to its highest honor one of our own sons, just as we were about to place upon his brow our own laurel wreath."

Highlights and candid camera shots may be found on pages 6 and 7 of this issue.

DIGESTS OF RECENT OPINIONS

(Continued from page 1)

CONFLICT OF LAWS — Adjudication of Sister State — Effect on Disposition of Personal property of Resident.

CONSTITUTIONAL LAW — Full Faith And Credit — Limitation.

TRUSTS — Construction of Trusts Clauses in Will.

In Chancery of New Jersey.

Fidelity Union Trust Company v. Ackerman.

April 15, 1937.

On bill to construe a will.

Stein, V. C.

The testator, while residing in New Jersey, made a will dated June 1925. He died, a New Jersey resident, in September of the same year. The will was probated in New Jersey and then in New York where the executor received ancillary letter of executorship. The latter step was due to the fact that the will disposed of New York real estate.

By the will, the executor was also named as the trustee to carry out the terms of the will.

The will contained several paragraphs, of which the sixth, seventh and eighth are to be construed in this action. The sixth paragraph disposed of the New York real estate by directing its sale and the holding of the proceeds in trust during the lives of two designated cousins. The trustee was further directed "to distribute the net total income among the same beneficiaries, in the same shares, manner and estates as the net income of the residuum of my estate is to be distributed." Upon the termination of the trust the corpus was to be divided in the same fashion.

The seventh paragraph created a residuary estate in trust for the duration of twelve lives in being. The beneficiaries being designated by name. The net annual income is to be divided into four equal parts "reserving and accumulating one of said equal parts and adding the same with its accumulations thereon to the corpus of my estate until the distribution of said corpus as in this will provided for; and dividing and distributing the remainder three parts of said net income quarterly as hereinafter named to the designated natural persons or such of them as may survive, and among the charities hereinafter named, or such of them as shall then be existent; so that each named beneficiary should receive a designated share." On death of the last of the twelve named beneficiaries the trustee is to distribute the accumulation in a certain manner.

The eighth paragraph made a similar disposition as to property over which the testator had the power of appointment.

As ancillary executor, the trustee sued in the New York courts seeking construction of the sixth paragraph to determine if it violated the New York rule against accumulations as to the New York realty. In that action the beneficiaries were made party defendants. The New York Supreme Court held that the realty was converted into personalty by the terms of the will which had made no provision for the accumulation of the income of the trust set up by the sixth paragraph; but merely directed the income to be distributed among those who were to take three-fourths of the income under the residuary estate set up by paragraph seven.

In this action in the New Jersey Court of Chancery construction is sought of paragraphs six, seven and eight. Three of the twelve named beneficiaries have died, the rest are parties defendant. The New York decision can no longer be appealed from and the complainant seeks to have the construction therein arrived at made part of the construction sought in this action.

Held:

Several important questions are raised by the testimony and the argument of counsel thereon. They are: (a) What should be done with one-fourth of the income of the residuary estate. Should it be held until the termination of the estate and then divided among the remaindermen; or (as the beneficiaries contend) should it be added to the corpus annually thus increasing the beneficiaries income? (b) Should the trustee set up one-fourth of the income from the trusts under paragraphs six and eight and dispose of it in the same way as a one-fourth of the income of the residuary estate? (c) Was the New York court's decision res adjudicata in this court? (d) Did the right to the income vest in the beneficiaries in such manner that their estates take title on death of the beneficiaries?

Answering these questions, categorically, as presented, the court **Held:** (a) One-fourth of the income of the residuary trust is to be held separate and apart and on termination of the trust, it is to be paid over to the remaindermen "including therein the aforementioned reserved portion of the income **with its accumulations.**" These last three words preclude the idea that it is to be added to corpus annually, for it is to increase itself, not any other fund. (b) The answer to the second question is in the affirmative. Failure to do so would change the testator's scheme of disposition. (c) The construction given to paragraph six by the New York court is not res adjudicata here except as to the decision that an equitable conversion was affected, for that portion of the decision is governed by the rule that the law of the situs of the land governs its devolution. Furthermore, the same subject matter, persons and cause of action were involved in both suits.

The full faith and credit clause does not apply here because the New York court had no jurisdiction of the testator who was domiciled in New Jersey when he died and hence had none of the personal property. The result is that the New York court could adjudicate the proceeds of the land to be personalty but New Jersey courts have jurisdiction to adjudicate the construction of the will and the disposition of the personal property disposed thereby. The fact that no one objected to or appealed from the New York decision does not confer jurisdiction where there was none, in fact. (d) The three-fourths of the annual income is to be divided among the survivors of the twelve designated beneficiaries. As each dies his estate gets an apportioned share as of the date of death. The estates of the three beneficiaries who died get no share except as of the date of their respective deaths.

Decree accordingly.

CONTRACTS — "Time is of the Essence" Proper Clause in Contract.

SPECIFIC PERFOMANCE — Defaulting Vendee cannot Sue for Specific Performance.

In Chancery of New Jersey.

Bommelyn, complainant, v. Moss, defendant.

May 12, 1937.

Bill for specific performance. Dismissed.

For complainant, Frances Hart, Solicitor, Meyer Lobsing, of counsel.

For defendant, Hart & Hart, Solicitors, Robert O. Beatley, Jr., of counsel.

Lewis, V. C.

The complainant agreed to buy the premises in question from the defendant for $1,800. payable $15. down and $15. per month, and in case of default the money paid in was to be kept in lieu of rent and liquidated damages. The complainant defaulted in 1932 having been in possession since 1926. At about the time of the default the defendant conveyed subject to complainant's rights. This deed was not recorded until May 1936. By this time the complainant had paid in over $1500. leaving a balance due of about $250.00.

The complainant now brings this action of specific performance to compel the defendant to execute a deed to complainant, asserting the $1500. payments and improvements.

Held: Bill dismissed.

Specific performance is granted only to one who is wholly without fault. Time being of the essence, failure to pay on time is a default of material nature. Making improvements did not raise any equities in favor of the complainant. As for the money paid in, a lien of this nature is granted where title cannot be transferred not where the vendee cannot pay. The complainant may have an action at law but she is not entitled to specific performance.

Bill dismissed.

(Continued on page 4, col. 4)

Bar Integration Advocated

The committee appointed from the New Jersey State Bar Association to study change of form of organization, headed by Judge Robert Carey, as chairman and committee members L. Stanley Ford, Sylvester C. Smith, Jr., Charles H. Stewart, recommended in their report that the committee be continued until the mid-winter meeting at which time certain inovations could be more fully commented and reported upon.

In the present report the committee urged that every member of the Bar of the state through local Bar Associations be made a member of the State Bar and that intergration of the Bar be enacted into law.

Legal Aid Committee Ask To Be Relieved

The Committee on Legal Aid consisting of Edward I. Berry Chairman, Robert E. Burke, W. H. Campbell, Jr. of the New Jersey State Bar Association rendered a report on its activities for the past year, disclosing that the only present Legal Aid facilities exists in Newark and Jersey City and although other agencies are required in other parts of the State inquiries to the Committee for establishment of such agencies were made with respect to Camden and Freehold, only.

The Committee's report urges the establishment of such agencies throughout the state. The report concluded with a request that the Committee be discharged from further functions and that clearing house service for Legal Aid information should be performed by the Secretary of the State Bar Association.

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Proper Publicity Of Activities Of Bar Urged

a report submitted by Em- E. Dillon, Secretary of State Association, it was urged that effort be made to establish co- ation between the profession the public. That the Court the Court alone can determine t is practice of law, rec- end those who are licensed ractice, and dismiss those it s unworthy of a license; that ers are not free agents but ers of the Court, responsible and always subject to its con- and that every aspersion cast lawyers justly or unjustly is ect reflecton upon the Courts selves. As officers of the t the Bar therefore owes a to the public to make their ionship clear so that there is isrespect for the Courts.

iss Dillon further urged that public be advised that the e Bar has always stood and stands for the highest ideals Bench and Bar, and it has tak- very definite steps for many s to keep these ideals high and the current criticism of "trad- dgeships" cannot be laid at oor of the State Bar Associ- It is fitting that the reports e Committee on Judicial Ap- ments be given the widest of publicity so that the press ublic will clearly see that not esponsibility in the premises e placed on the Bar and it t be blamed if campaigning idates pledge themselves to s similar to ours only to ply forget them when in

e Courts are appointed by the rnor elected by the people and rmed by the Senate, who are placed in office by the voters. it is the voters, and not the that holds the key to that tion.

The public should be made conscious of the many efforts that the Bar has made to solve the problem of the overcrowded Bar, which undoubtedly carries with it the grave problem of ethics.

The public, if properly apprised can no longer honestly and fairly demand that a lawyer starve or permit his family to suffer while they sit idly by and allow all and sundry, in greater and greater numbers to practice legal profession without proper education, training and responsibility. Once the facts about unauthorized and illegal practice of the law become fixed, the public will understand the necessity for and demand the prompt and effective punishment of those who to the great injury of their innocent victims pose as fitted persons to perform legal services.

It is through proper publicity that a concentrated effort can be made to destroy the tissue of falsity which is deliberately as well as ignorantly being built up about the members of the profession to which we are so proud to belong. Because a clergyman is unfrocked, religion itself is not condemned; because a criminal doctor assists criminals or buries his mistakes, all doctors are not classed as unprofessional; because a newspaperman sells his gift for an unprofessional purpose, all news agencies are not classed as unethical. Why, then should lawyers be considered in a different way?

Miss Dillon further reported that her office has rceived 2,267 items of correspondence and has sent out 9,882 letters excluding the Quarterlys and the notices of the regular meetings.

Miss Dillon praised the local County Bar Associations for their excellent cooperation.

Report Of The Junior Section

President and Members of New Jersey State Bar Associ-

e the publication of the Jan- Quarterly, the Junior Section s Association held its regular al Meeting at the Essex e, Newark, New Jersey, on uary 5, 1937, the details of h are reported in the Minutes e Annual Meeting of the Jun- Section in the April Quarterly. a meeting of the Officers and Council Members held in Bam- r's Restaurant, Newark, New y, on March 13, 1937 the fol- g committee appointments announced:

Membership Committee
Milton T. Lasher, Chairman
H. Albert Hyett
Robert Norris
Thomas F. Shebell
Richard J. Hughes
Richard F. Green
John A. Grammer
Edward V. Ryan

Coordination Committee
Julius Sklar, Chairman
Otto E. Adolph
John A. Grammer
John F. Borden
Joseph Harrison
Samuel J. Marantz
Leon L. Dreskin

Cooperate With Judicial Council
Abram A. Lebson, Chairman
Edgar S. Smith
Edward E. Reilly
Milton T. Lasher
Saul Tischler
Richard F. Green

Program and Activities
Julius Sklar, Chairman
Otto E. Adolph
Guy Tobler
H. Kermit Green
William Zink
A. R. Klitzman
Norbert T. Burke

Limitation of Bar
Joseph Harrison, Chairman
Joseph Halpern
Lester A. Drenk
Philip R. Gebhardt
B. Thorn Lord
Albert R. McAllister, Jr.

Survey Committee
Richard J. Hughes, Chairman
Earl Ogden Bennett
Robert B. Meyner
Alexander P. Waugh
Ben S. Shipman

Legal Aid
Joseph Fishberg, Chairman
John J. Crean
Hyman Isaac
Adolph Schlesinger
Abraham Albert Eichler

Unlawful Practice of Law
Carlton W. Rowand, Chairman
Augustine A. Repetto
Joseph A. Citta
Frank S. Katzenback, III
Vincent D. Manahan, Jr.
Francis G. Schmid, Jr.
Gerald T. Foley
Charles B. Collins
Aubrey J. Elias

At the Annual Meeting of the Junior Section it was the general consensus of opinion that the committees of the Junior Section should be distinct groups, even though along the same line as the Senior organization, but with the thought in mind of extending full cooperation to our Senior Committees. The Chairman of each of the Senior Committees was contacted shortly after the Annual Meeting and the full cooperation of our Section was offered.

On June 1, 1936 the Junior Section had 242 members. In the past year 78 additional members have been added to the Section so our total membership in the Association is now approximately 320 members or 25% of the total membership of the State Bar Association.

During the coming year the Program and Activity Committee has decided to concentrate its effort upon

(1) Bar integration

(2) Education of the Public to create a better understanding of the legal profession and lawyers

(3) To curb unwarranted newspaper comment, and publicity adverse to lawyers and the legal profession generally.

During the past six months the Officers and Council Members of the Junior Section have from time to time been informed of duplication in the activity of the Junior Section of the State Bar Association. In certain of our counties the younger lawyers have organized themselves into societies and carired on their activity in the name of either of the organizations. In certain instances this has resulted in duplication of effort and where certain activities were sponsored in the name of one organization or the other, been subjected to criticism. Through the intervention and the efforts of our Coordination Committee, which is composed of members of the Junior Section of the State Bar Association, some of whom have affiliation with the American Bar Association, the Junior Section has been successful in achieving a harmonious solution. The Committee unanimously agrees that meetings of the various county groups of younger lawyers should hereafter bring in both units in order to prevent duplication of effort and transgression of the activities of each particular group.

Otto E. Adolph
Secretary, Junior Section

Review Bar Activities

(Continued from page 1)

for passage when presented. The bill relating to the practice of law should be so modified as to insure its passage at the next legislature.

He said that after passage it would be easier to correct a defect or omission in the act than to pass the bill in a form in which it is not acted upon favorably by the legislature.

He advocated the formation of a committee on membership to function separately and apart from the Committee on Admissions. Finally Mr. Evans recommended the formation of a committee on Federal Legislation.

Mr. Vanderbilt Unable To Serve

The retiring President announced the fact that Mr. Vanderbilt, who in the course of events will be called upon to assume the Presidency of the American Bar Association, will for that reason be unable to serve as President of the New Jersey State Bar Association. Mr. Evans expressed regret for the loss of Mr. Vanderbilt's services as President and congratulated the American Bar Association on the acquisition of his services.

Mr. Evans announced that Mr. Robert H. McCarter had completed his history of the Bar and that it would be available for general distribution within a short time.

Breaches of Law and Order Condemned

He deplored the fact that the past year had seen numerous attacks upon the Courts by responsible public officials which the Court could not answer for traditional reasons. He went on to say that the Bar, aware of its duty as members of the Court, made defense against such attacks to the best of its ability. He urged that the members of the Bar continue in their present efforts of protection of the Courts, to maintain its dignity and prevent contempt of law and order, destruction of property and similar subversive activities. Mr. Evans said "As long as a lawyer maintains the traditions and principles of his profession, so long will this great republic continue."

He expressed his gratitude for a consistent and never ending display of kindness from the official family and members of the Association. He attributed a large part of the successful accomplishment of his work to the cooperation of the members at large. He acknowledged the work of Miss Dillon as Secretary of the Association in her work on its behalf and in connection with his office as President and congratulated the Association on the selected list of officials chosen for future service.

Police Protection

Release of Princeton Local Government Survey

Five years ago, three chief faults of New Jersey's small police systems were pointed out by the Tax Survey Commission, namely; lack of mobility, lack of intermunicipal communication, lack of integration. These faults have been remedied by the establishment of 49 radio departments. However some old difficulties are arisng. Duplicated capital investments, pyramiding fixed charges, uncoordinated equipment and deflated police dollars. Union Township has taken the lead in calling the first conference to increase the efficiency of the radio police departments.

Committee On Legislation Reports

The Committee on Legislation held a number of meetings during the active life of the 1937 Legislature, and issued five bulletins for distribution among the members of the Legislature. In these bulletins, the Committee favored a total of fifty-three bills, bills.

Thirteen bills favored by the Committee (out of the total of fifty three) have become law or passed both houses and await the signature of the Governor.

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The New Jersey Law Journal invites correspondence concerning matters of general interest to the Bar excluding such as are political or controversial. It does not assume responsibility for or adopt the views expressed in contributed articles, notes or published correspondence unless expressly so stated.

The New Jersey Law Journal opposes the publication of letters of personal commendation or criticism of members of the Bench or other personnel of the Courts, but welcomes at all times information and suggestions concerning the functioning of the Courts.

THURSDAY, JUNE 10 1937.

State Bar Conference

It is perhaps but another sign of the times that the State Bar Conference held at Atlantic City last Friday and Saturday was one of the most exciting and best attended annual meetings of the State Bar Association in many years. Beginning with the first session on Friday afternoon and ending with the dinner Saturday night, the annual conference "stood them up." So large a body foregathered at these various sessions that at times only standing room was available. The officers conducting the meetings wisely eliminated the reading of lengthy reports and substituted oral rendition by committee chairmen of concise and meaty statements followed by interesting and sometimes heated discussion and debate.

A splendid spirit of good fellowship pervade the atmosphere at all times with the result that congeniality was ever present even at the moments of sharp conflict of thought and debate.

We look forward to the future meetings of the State Bar as a source of mental stimulation and fraternal association.

A Plea For Special Pleading

To the amazement, especially of many younger members of the bar, the keynote of the State Bar Conference was sounded by former Vice Chancellor Merritt Lane in a plea for the return of special pleading, both at Law and Equity in New Jersey. Mr. Lane, who was scheduled to deliver an address on equity practice, announced as his thesis that no improvement had been made since 1902 in the practice either at law or equity: that the practice Act of 1912 and the Chancery Act of 1915 were backward steps in the development of judicial procedure; that the abolition of special pleading and the substitution of a loose system of pleading was destructive of one of the most important foundations upon which the administration of justice rested. Later in the course of the conference, Mr. Lane was followed by former Circuit Judge William H. Speer who was scheduled to speak on the subject of trial practice. He also announced as his thesis that the pracaice of law and equity had departed so greatly from that of the common law courts and the high court of Chancery so as to produce not only a lax administration of justice in the courts but also an incompetent bar apparently unlearned in the involved technicalities of special pleading.

Mr. Lane had announced that his address would be on a controversal subject. We had thought that since the Practice Act of 1912 had become operative in the law courts of New Jersey the subject of special pleading had properly passed into the shades of oblivion. Mr. Lane seems to have overlooked the fact that another country which had given birth to this special pleading had abandoned it long before we had. While of course mankind has not as yet invented a scientific system of pleading which is entirely without fault, it seems to us that the "silences" of the Practice Act of 1912 are far outweighed by the expression therein contained. Pleading should not be an end in itself as it so often was in the common law courts. It should be nothing more than an instrumentality for determining the issues involved in a particular controversey before a particular court. Mr. Lane seems to have forgotten that special pleading in the common law courts became the end and not the means of the administration of justice; that centuries of experience in England with special pleading led to the radical changes made by the mother country in that system. We are not aware of the fact that there has been a partial or a complete failure in justice in New Jersey since 1912. On the contrary we believe it to be the opinion of the concensus of the bar that the administration of justice has been greatly improved. Surely the abolition of the demurrer, the plea in bar, and the writ of error of the common law practice has greatly minimized the delay in the determination of litigation issues which were so prevalent prior to 1912. Similarly the liberal rules for joinder of parties and causes of action has made it possible to determine in the one and the same suit controversies which prior to 1912 would have required innumerable and sometimes successive suits requiring years of litigation for their determination. Special pleading made our courts a vehicle for the administration of justice for only those who had the financial means of support or defending long drawn out litigation by technical obstructions. The Practice Act of 1912 and its sister act in Chancery in 1915, have made it possible for litigants of small and large means to find equal opportunities of redressing wrongs and protecting our rights before the courts of this state. We hope that special pleading will continue to remain interred in the tomb in which it had been placed after a long and hard fought combat.

Voice of the Bar

COMMENT AND CRITICISM INVITED

Editor New Jersey Law Journal:

I have read of the adoption by the State Bar Association of the report of a committee proposing mandatory possession of a college degree for all applicants for law school admissions so as to reduce the crowded condition of the bar. I see that Vice Chancellor Berry opposed the adoption of the resolution and I fully agree with him that the place to test a man's knowledge of the law is in examinations and it should not be determined by degrees and also that a man can become as well educated outside of college as in. I do not know of conditions in Newark but in Monmouth County many of the very prominent members of the bar are not holders of a college diploma.

I am a graduate of a prominent New York law school and in thirty-five years of practice I have never found that the absence of a college diploma ever handicapped me in my work. The adoption of the proposed change in requirements would prevent many worthy boys from becoming members of the legal profession although worthy merely because their parents were not so blessed with worldly goods as to be able to send their sons to college. There is no doubt but that the profession is over crowded but some other remedy should be found by the Board of Bar Examiners either in the character of the questions asked or in raising the passing mark.

Edward G. Forman
Freehold.

INDEX TO ARTICLES AND NOTES IN CURRENT LEGAL PERIODICALS

FEDERAL PROCEDURE:

"The Proposed New Rules for Uniform Procedure in the Federal District Courts" by James Alger Fee, Oregon Law Review, February, 1937.

"Accounting Aspects of the Securities Act" by T. H. Sanders.

"The Securities Act and Corporate Reorganizations" by Abe Fortas.

"The Relations of Federal and State Securities Laws" by Russell A. Smith.

"The Securities Exchange Act as Supplementary of the Securities Act" by John Hanna.

MASTER AND SERVANT:

"The Legality of 'Peaceful Coercion' in Labor Disputes" by Bernard Eskin. University of Pennsylvania Law Review, March 1937.

MORTGAGE FORECLOSURE:

"Foreclosure and Sale; Some Suggested Changes in the New York Procedure" by Arthur E. Sutherland, Jr. Cornell Law Quarterly, February 1937.

TAXATION:

"Suggested Modification of Bad Debt Provision of Federal Revenue Act" by Randolph E. Paul. Cornell Law Quarterly, February 1937.

"A Symposium on State Income Taxation." Iowa Law Review, January 1937.

$1000 Cash Prize Essay Contest

The Union League of Philadelphia has authorized the announcement for a prize essay contest for young men on the subject, "The American Idea in Government," the prizes to be publicly awarded in the week of September 17, 9137, as a part of the national observance of the 150th Anniversary of the American Constitution.

The contest is limited to young men between the ages of eighteen and twenty-five who reside in the States of Pennsylvania, New Jersey and Delaware.

The rules of the contest are as follows:

1. A series of prizes aggregating $1,000 will be offered for the best essays by young men on the subject, "The American Idea In Government," which includes the following sub-topics:

(a) A written Constitution to define the powers of the Federal Government, and its relationship to the states and the people.

(b) The function of the Supreme Court in interpreting the Constitution.

2. Contestants shall be limited to young men between the ages of eighteen and twenty-five years who reside in the States of Pennsylvania, New Jersey and Delaware.

3. Essays shall be limited to 5,000 words, and in the award of the prizes, ideas, expression and neatness will be considered.

4. The first prize will be $500, the second and third prizes will be $100 each, and there will be six additional prizes of $50 each.

5. The essays are to be submitted to the Union League by August 1, 1937, and the prizes will be awarded by the Union League in the week of September 17.

DIGESTS OF RECENT OPINIONS

Continued from page 2)

AUTOMOBILES — Insurance — Construction of Policy.

New Jersey Court of Errors and Appeals.

Marx, Plf.-applt. v. United States Fidelity & Guaranty Co., Deft.-resp.

April 30, 1937.

On appeal from Supreme Court. Affirmed.

For appellant, Lawrence Semel, Meyer M. Semel, of counsel.

For respondent, George R. Jackson, William P. Braun, of counsel.

Wells, J.

The plaintiff purchased from the defendant an automobile accident insurance policy on or about March 1, 1934. The terms of the policy required the defendant to defend in the plaintiff's name any suit brought against the plaintiff for damages arising out of an accident involving the insured motor vehicle.

In procuring the policy the plaintiff stated his business to be "(a) farming and bureau of sanitation; (b) individual." The policy states "the automobiles and trailers" insured are: "Ford S, 1½ ton truck." The policy further stated that the machine insured would be used for commercial purposes usual to the business of the assured.

Among the reservations contained in the policy were the following:

"Section IV. The company shall not be liable under this policy for any accident, loss or damage; (a) while the automobile, (1) is used for any purposes not stated in this Declaration, nor, unless expressly and specifically stated in the policy, while the automobile is used for rental or livery purposes, carrying passengers for a consideration, towing a trailer not insured by the company, demonstrating or testing:——(c) because of the use or operation of a trailer while attached to an automobile which is not insured by the company."

Section V. A. provides that the policy is subject to certain conditions, one of which, under the heading of "Definitions" is that, "The word 'automobile' wherever used in this policy shall mean only a motor vehicle (or trailer) with reference to which the insurance hereunder is provided. The policy applies separately for each such motor vehicle, but a trailer and the motor vehicle to which it is attached shall be considered together as one automobile."

When the policy was issued the plaintiff had a contract to haul garbage for the Boro of Washington, Pa.

About December 17, 1934 the truck was in Newark, N. J. towing a trailer to a garage where he was to pick up a load to carry back to Philadelphia. This work was being performed under a hauling contract with a motor company. He was being paid a weekly sum for the use of the truck and his own services. While doing the work an accident occurred. A man was killed and he was sued by the administratrix ad prosequendum.

The plaintiff turned the matter over to the insurance company who refused to defend on the ground that he had violated the terms of the policy in having attached to the truck an uninsured trailer and that the truck was used for livery purposes. The plaintiff defended at his own expense and won the suit.

This action is brought by the plaintiff to recover costs, expenses and attorney fees expended. The suit in the District Court resulted in a $500 verdict for the plaintiff. This was reversed by the Supreme Court on the ground that the rental of the truck was a violation of the policy's terms.

Held: Affirmed.

"The terms of the policy constitute the measure of the insurer's liability and there can be no recovery thereon by insured where he has violated or failed to perform its conditions, or its warranties are not literally true or fulfilled, in the absence of an estoppel or waiver on the part of the company. A branch of warranty will avoid the policy, although there is no provision to the effect in the policy." Neilson v. American Mutual Liability Co., 111 N. J. L. 345, 168 A 436.

The violation "used for rental or livery purposes" has not been defined in any known case. Though the Supreme Court reversed on this ground the Court of Errors and Appeals in affirming the Supreme Court will do so on a different ground. Thus making it unnecessary to interpret "rental" or "livery" as used in the policy.

The truck was towing a trailer not insured by the defendant; that is a direct violation. The coverage clearly does not apply to a truck and trailer unless so stated in the policy. A proper construction of the quoted parts of the policy indicates non-liability where an uninsured trailer is towed by an insured vehicle.

Supreme Court affirmed.

tate Bar Favors New Admission Rule

Over the objections of several mbers of the Association, the posed plan of admission to the r was adopted. The recommend- n of the committee headed by n Spaulding Frazer requires academic degree from a recog- d college and a law school de- e before an applicant is eligible take the Bar Examination. This, effect, would abolish night or r-time law school training. The pted report will be submitted the Supreme Court for consider- n and for the promulgation of rules. Many older members the Bar, including Vice Chancel- Berry, in speaking against the ption of this plan, recalled that, their youth, they were unable to nd full-time law school and e obliged to work. They urged t in some instances it would k a hardship to young men who not fortunate enough to have means of attending a full day ool.

acking Of Supreme Court Opposed

rank J. Hogan, of Washington ressing the Bar urged the State to continue to fight against sident Roosevelt's Supreme rt Proposal. The original pro- l packing the nation's highest rt is dead but victory may turn efeat if we are to stand by and mit any amendments or adop- of compromises calling for the ing of two additional Supreme rt justices. The appointment two additional judges to the eme Court is just as bad as appointment of six judges. He ed the members of the Bar to up the "daily ding dang" and tand against packing the Su- e Court in any event. He e of the mishaps to cases he tried and his advise to the ger members was to go ght and not to try to cut cor- s in trying cases.

eview Growth Of Bar Association

e history of the Bar Associa- n was presented in an ress before the State Bar on urday morning by George M. ris of Washington, D. C., irman of the House of Dele- es of the American Bar Associ- n. Mr. Morris began his talk a discussion of the formation the New York Bar Association 747. At the close of the Revo- nary War the legal profession an to decline for the reason t lawyers are not very possible debted community. It wasn't after the Civil War that Bar ociations came to life again. 1878 the American Bar Associ- n was formed, and it was 12 rs before it met anywheres be- Saratoga Springs.

Mr. Morris reviewed the theory the House of Delegates, and ed that the American Bar As- ation was moving forward on a d front. He urged that the mittees of the State Bar As- ation act and cooperate with Committees of the American r Association.

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Lane Favors Special Pleading

In an address at the annual meeting on Saturday afternon, Mr. Lane suggested that in the practice of law and equity we go back to special pleading. Mr. Lane further stated that in going into Chancery Court one does not go in as a matter of right, but with a prayer that proves the issue. In closing, he suggested that if any one wants to really know what Chancery Court is, he should go back and read the books that were published prior to 1830.

Lawyers Club Aid Fund Of Philadelphia

In an effort of the Lawyers' Club of Philadelphia and the Philadelphia Bar Association to assist needy lawyers, a fund has been created. Moneys for the fund are raised by contribution, banquet and portrait committees. Moneys of the fund are loaned to individual members of the Bar in good standing on application. Notes payable in six months are taken for each advance made, but the repayment of these notes rest largely upon the conscience of the borrower. The names of the borrowers remain confidential.

Urge Simplification Of Home Rule Act

History of Home Rule Act discussed by Edward F. Merrey

The first report of the section on Municipal Law of the State Bar Association was made through its Chairman, George Babcock, Howard F. Barrett, Vice Chairman and Milton T. Lasher, Secretary.

The Section of Municipal Law was organized at the mid-winter meeting of the assocation held in Newark in February of this year. The purposes of this Section, as set forth in the By-laws, are to promote the objects of the New Jersey State Bar Association within the field of the law affecting municipalities and the improvement of local and county government, to unite more closely the members of this Association who either represent municipalities or are interested in their problems, for the study and discussion of the legal problems relating to these institutions and for the exchange for their mutual advantage, of practices, forms and precedents proven to be useful in that field of law but not otherwise available for general use.

Committee Report

The report indicated that organization activities in the Section were successful to the extent that the Section numbers approximately one hundred and fifty members and that the membership had taken active interest in municipal problems in connection with legislation, codification of municipal statutes and tax lien foreclosures.

The program for the coming year includes an active educational program, submission of problems of mutual interest and, possibly, publication of a Section bulletin for circulation among the members of the Section.

Legislative Background

Mr. Merry discussed the following:

Early municipal legislation was simple, counties were set up as administrative units, and were divided into townships. In 1847 such legislation consisted of acts classified under the titles Townships, Counties and Chosen Freeholders.

Cities had charters granted them under special acts. Such charters grew in number and special acts increased correspondingly. Although special legislation was not restricted to municipalities that type of legislation was so prevalent that session laws, which in 1840 comprised of one hundred and fifty pages increased to seventeen hundred pages in 1873. In 1875 to prevent the evils caused by special legislation from further continuing an amendment was passed prohibiting special legislation in many cases including "Regulating the internal affairs of towns and counties; appointing local officers or commissions to regulate municipal affairs."

Special legislation affecting municipalities as an evil was described by Chief Justice Mercer Beasley in Van Riper v. Parsons, 40 N. J. L. (1878) in which he said in commenting on special legislation, "Among minor mischiefs was the practice of amending and supplementing municipal charters with a profusion that knew no bounds, the consequence being that the law of this department was kept in a state of constant flux and transition, so as to make the consolidation of it into a system, by judicial decision, an impossibility."

A similar situation exists today, but that which the Chief Justice called a minor mischief has attained considerable proportion and is a matter of major importance.

Law Against Special Legislation Evaded

Today the principal method of evading the rule against special legislation with respect to municipalities is by means of classification of a most fanciful nature and quite often with the definite and direct intent to affect but one municipality. As an example of this, municipalities have been classified into towns, townships, villages, boroughs as well as according to population, with the present result that we are reaching a stage similar to that which existed prior to the passage of the Home Rule Act.

History of Home Rule Act

Mr. Merrey went on to cite his own experience as City Counsel for Paterson prior to the passage of the Home Rule Act when he tried to make a digest of the municipal legislation then in force. Before completion he realized that such work was hopeless and abandoned the attempt. As a result, the late Senator McCran, who had been associated with Mr. Merrey as City Attorney, introduced an act (which was finally passed) for the appointment of a commission to revise and codify statutes relating to municipalities. This Commission was known as the Home Rule Commission and the act it prepared, the Home Rule Act. The main purpose of the act was to reduce the confusion into which this kind of legislation had fallen.

In formulatng the Home Rule Act the Commission considered forty-eight hundred sections in the compiled statutes and four hundred chapters in Session Law 1911 to 1916 inclusive as well as such special charters which were still in force. The Act covered one hundred and forty-five pages of the Session Laws of 1917. The extent of the reduction thereby can be realized in the fact that the listing of the titles of Act reported for repeal covers one hundred and seventy-five pages in the same Session Laws.

Since the passage of the Home Rule Act there have been no special acts for municipalities. Instead there has been a flood of general acts framed to apply to one particular situation and often based on a classification applicable to but one municipality. This tendency has the effect of making the law more confused for those very ones who advocate the passage of such Acts.

Cessation of New Legislation Important

Mr. Merrey stated that an Act covering Municipalities can be written in a hundred and fifty pages without the necessity of any Acts as are now being passed. He said that if the general language is not general enough to cover some particular project an act should be passed to amend the particular language rather than by a supplementary enactment.

In concluding Mr. Merrey said, "Let me ask you, who must necessarily spend much time unravelling the complexity of this legislation, not to increase it by the preparation of special acts intended to apply to but one municipality."

U. S. Senator Smathers Adresses Junior Group

Speaking before the Junior Section at their Saturday luncheon, Senator Smathers related his impressions at Washington. He predicted that before long legislators will divide into two groups; that they will vote either as liberals or conservatives and not as republicans or democrats.

Insurance Section To Be Established

Plans to establish an Insurance Section of the New Jersey State Bar Association were announced by Joseph C. Paul. Those members who are interested in joining may communicate directly with Joseph C. Paul, 31 Clinton St., Newark or Samuel Hollander, 60 Park Pl., Newark.

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William J. Connor and Milton M. Unger, Directors of the State Bar Association.

BANKING SECTION—Nathan Bilder, Chairman.

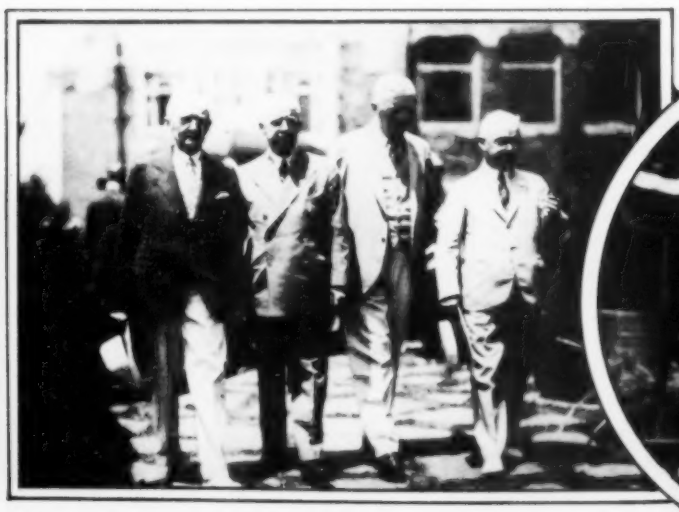
William W. Evans, retiring Presid[ent] nominee for th[e] American Bar Association; Emma L[.] [Wil]liam J. Morris[,] President of the State Bar Associat[ion]

HIGHLIGHTS
OF
NEW JERSEY BAR ASSOCIATION CONVENTION

ATLANTIC CITY
JUNE 4, 5, 1937

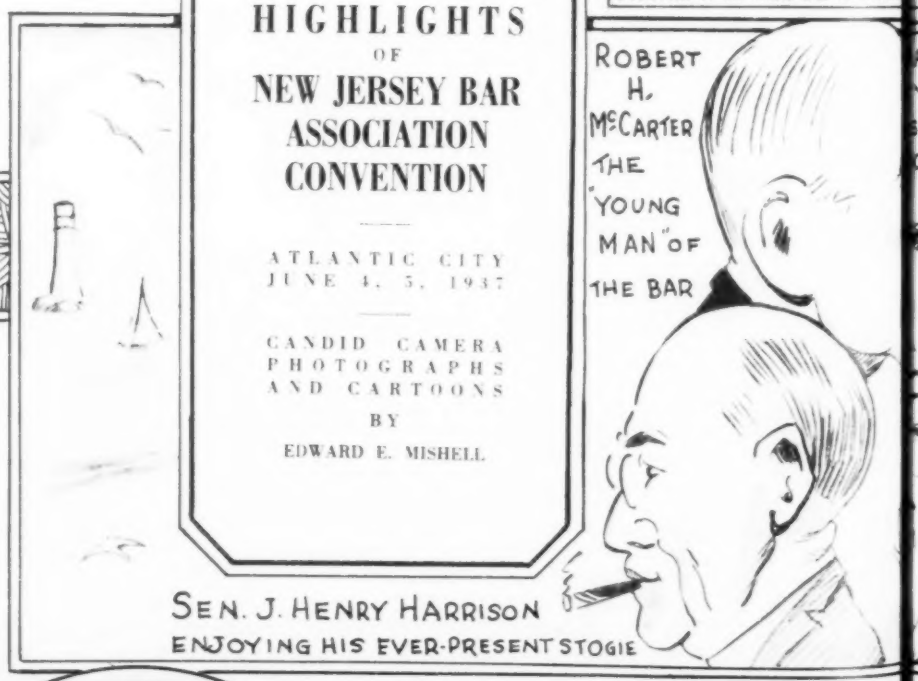
CANDID CAMERA
PHOTOGRAPHS
AND CARTOONS
BY
EDWARD E. MISHELL

MUNICIPAL SECTION—George Babcock, Chairman.



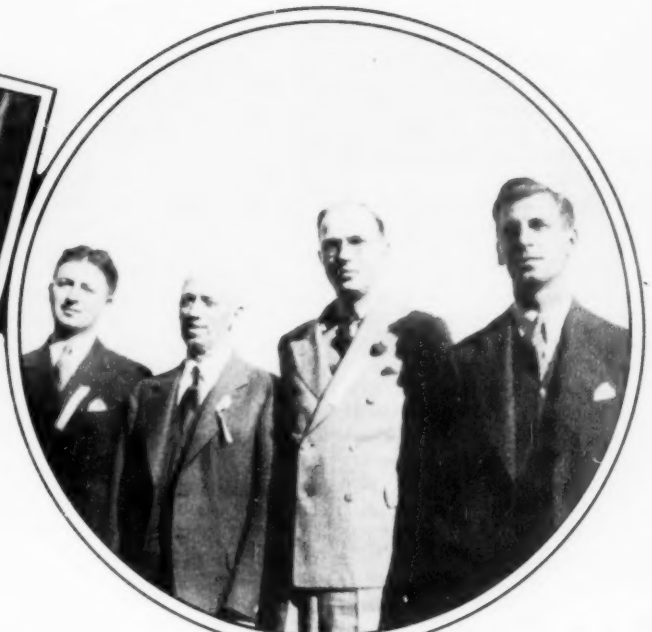
Harry Knight, Col. Edward T. Moore, Stanley J. Griffin and Advisory Master Wm. J. Backes.

Jacob L. Newman, Chairman of Special Committee to



HUDSON C[OUNTY] ENTERTAINED.

AMERICAN BAR REPRESENTED—Sylvester C. Smith, Jr., 3rd Vice-President of the State Bar and member of the Council from New Jersey; Harry Knight, Secretary; Arthur T. Vanderbilt, nominee for the Presidency; George M. Morris, Chairman of the House of Delegates; and Frank J. Hogan, member of the House of Delegates.



Julius Sklar, L. Stanley Ford and Otto E. Adolph, officers of the Junior Section with the Newly Elected President William J. Morrison, Jr.

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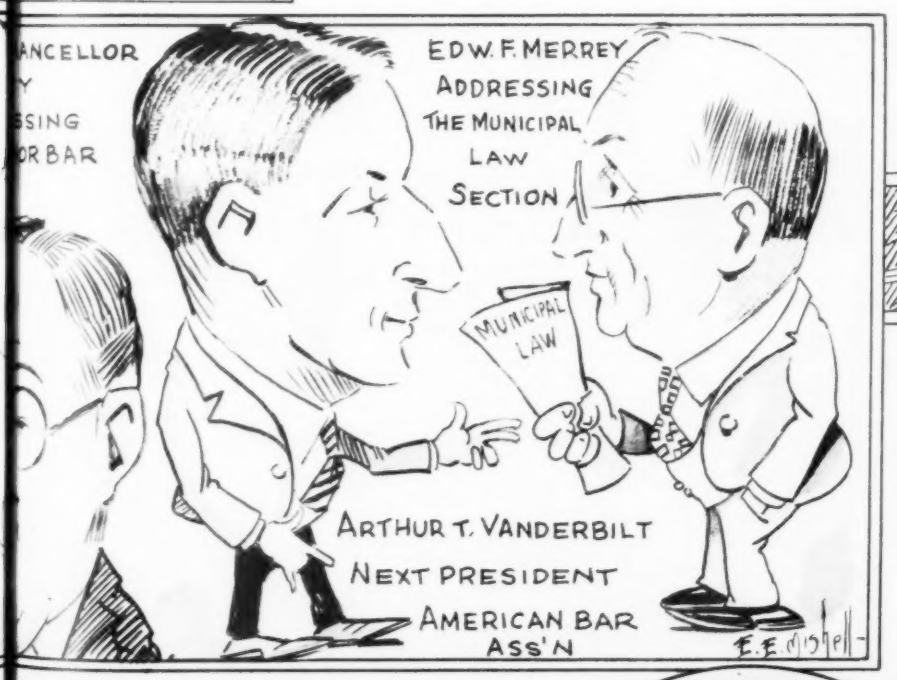

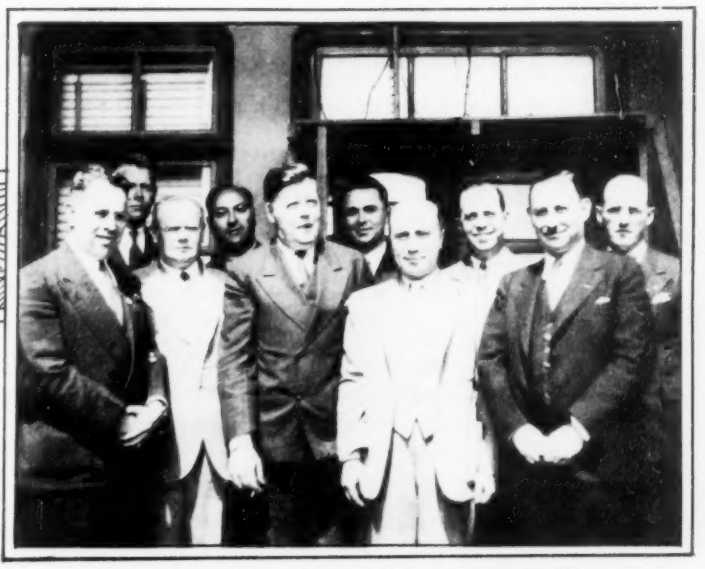

COMMERCIAL SECTION—Hamilton Cross, Chairman

Frederick J. Waltzinger, Editor of the N. J. Advance reports; Lionel P. Kristeller, Secretary of the Essex Bar Association; Alexander T. Schenck, and Herbert C. Bartlett former President of the State Bar Association

HUDSON ... ENTED.

Robert Carey, Delegate to House of Delegates of the

Respect for the Court

By Vice-Chancellor Sooy

Address before Junior Section at their Luncheon on Saturday.

Why is it that at almost every gathering of lawyers some one or more of the speakers address their remarks to a lessening on the part of the public in respect for the courts of this country and this State?

Is it because of any widely publicized dereliction of a Judge or Judges, either in this or some other State? If so, such a condition has not come to my ears.

Is it because of any glaring weakness of any particular Judge or Judges in this State? If so I have not heard of it.

Is it because the Judges in our State are appointed and not chosen by the people by popular vote? I do not believe so. I have never heard of any clamor for a change in this respect.

Is it because of any flagrant injustice caused by our decisions? If so there would have been a hue and cry. This I have not heard.

Is it because our Judges of the Supreme, Chancery and Circuit Courts in the past have not measured up to the standards expected by the people? Surely not, with such outstanding men as those who have gone before and whose names are on the tongue of every lawyer and whose praises have been echoed and re-echoed.

Is it because our present-day Judges do not measure up? I thing not.

What is it, then? The spirit of the times? Perhaps so, to a small extent. The courts have been compelled to uphold the integrity of contracts, even tho to some of the parties thereto the result has seemed harsh. Those so believing themselves oppressed, who are of little understanding, have unquestionably lost respect for the courts. No thief ere felt the halter draw.

Unquestionably the average citizen is unable to comprehend five to four decisions on important constitutional and economic questions, and this may have caused a ripple of discontent and dissatisfaction. The recent packing of the Supreme Court has not helped. And so many things, magnified by the present general unrest as to the future of our Government, may have, to a very small extent, lessened the respect of the public for the Bench and Bar. But in my opinion, these matters have been of little moment as compared with what I believe to be one of the big reasons for such disrespect as there may be existing among the laity.

Do you, as individual lawyers, ever stop to analyze your own deportment in and out of court; in your office, as you consult with your client; the manner of advice you give; whether influenced too much by the hope of reward, so that when adverse decisions come, maybe the easiest thing to do is to suggest to your client that the Court was either influenced or incapable? Do you sometimes join with your client in unfairly and sometimes criminally prosecuting an unjust claim? Do you suggest the evidence necessary to be produced in the expectation that your client will procure that evidence, even tho through perjury? Do you, in the hurly-burly of making both ends meet, sometimes forget to remit, or charge an outrageous fee? Do you give advice that will assure litigation and greater emolument to yourself when a settlement might have been much better? Do you chase ambulances and resort to other unethical practices, which must be bound to reflect discredit on yourself and your profession? Unfortunately, many more questions of like purport could be asked, and I have no doubt but that everyone within the hearing of my voice would and could honestly answer no, but you know there are many who could not so answer.

The next question, therefore, is, what have you done about it or, better still, what are you going to do about it? Are you going to sit supinely by and permit these outrages to persist? If so, you are not only ruining the finest profession I know of, but you are trampling under your feet the fine heritage which the lawyers of yesteryear have handed down to you. And no matter how great in learning, how fair, how honest, how hard-working your Judges are, the public cannot have confidence in them, and you are responsible for the end that will ensue, for if the public loses confidence in the judicial branch of our Government, what have they left to look to for the preservation of life, liberty and pursuit of happiness?

To a lesser extent than some of the things to which I have alluded, the demeanor of the attorneys in the courtroom tends to lessen respect for the courts. In my boyhood the courtroom was entered by my elders with silence and reverence, not only by the laity but by members of the Bar, old and young alike. Lawyers did not have to be admonished to stand when addressing the Court; they stood at a respectful distance from the Bench and in all ways so deported themselves as to instill into the minds of the onlookers, clients and witnesses alike, that a court was indeed a place where justice was judicially administered. And while the lawyer may not have been overly proud of the Judge, as an individual, his high regard for the court, as a court, was an ever-present complete camouflage of his personal feeling as to the Judge as an individual.

I have heard it said by a very able lawyer of the old school that all these things of which I have just spoken were accorded by every lawyer to every Judge, if the Judge by failing to maintain a ability and personality to deserve it. While I respect this gentleman's judgment in most things, I do not in this. It is due the court, as a court, no matter whether the individual Judge has it accorded to him spontaneously or by coercion, and if by coercion, those who have to be coerced do not measure up to the requirements of the average members of the Bar.

A lawyer never lost a case because he exhibited in the courtroom a lawyer-like attitude toward both the Court, witnesses and jury, but many a case has been lost largely, if not wholly, because of a lack of lawyer-like deportment in court, and many a lawyer has lost the respect of the Judge by failing to maintain a proper attitude in courtroom deportment.

Some of you may say that cases are not won by reason of the personal regard the Judge may have for the lawyer; that fact and law wins them, and this is true, but how much easier it is for the lawyer who has the confidence and respect of the Court to convince the Judge of both the facts and the law.

As an oldtimer, one who has had 33 years experience on and off the Bench and one whose early manhood was spent in the atmosphere of the so-called old school lawyer, and one who has aged in the atmosphere of the present day lawyer, let me advise you that these things about which I have spoken, you consider deeply, and that you take heed.

Committee Reports On Americanization

The Committee on Americanization suggests Constitutional Week be observed as that of Fourth of July or Memorial Day. It urges the members of the bar to do their share in spreading Americanization through speeches in high and grammar schools, fraternity organizations, civic bodies and some political associations, in order to restore the Constitution to the minds and hearts of the American people.

Obituary

John Dalton, Clerk of the Circuit Court in Hudson County since 1926 in Judge Ackerson's Court Room, died on June 4.

Opposition to Supreme Court Reorganization

(Continued from page 1)

tion of the Federal Judiciary as submitted to Congress by the President of the United States. The Committee reported it had proceeded to publicize such action on its part to the end that the Bar and the public would be apprised of its action and the reasons therefor.

The report urged that every member of the Bar continue to express opposition to the bill so that no one concerned with its passage would ever be in doubt as to the continued opposition to such legislation.

The report reviewed historical attempts of a similar nature. It stated that a great advance in the administration of justice in the Courts of England was evidenced when judges were appointed during good behavior rather than at the pleasure of the King which had been the custom until 1688. The advantage of such tenure of office was the reason why it was made part of the United States Constitution when adopted. This clause in the Constitution was definitely and actively advocated by Alexander Hamilton in one of his essays in "The Federalist".

The report said that the most important function that the Bar can perform at the present time with respect to this proposed legislation is to mobilize sound public opinion in opposition and to interest every member of the Bar to such an extent that he will enunciate his stand on the proposed legislation. The report went on to say that if passed the United States Supreme Court would become a football of politics and it would lose all prestige gained since its inception and its value as a tribunal to protect and preserve the rights of individuals would be lost.

Federal Bar Association

There will be a meeting of the Federal Bar Association of New York, New Jersey and Connecticut on June 15 at 8 P. M. at the Newark Athletic Club. United States District Court Judge Philip Forman will be the guest of honor for the evening.

PERSONALS

A. Warren Littman of 744 Broad Street, Newark was admitted to practice before the United States Supreme Court.

Emanuel Finkelstein has removed his law offices to 125 Broad Street, Elizabeth, N. J.

Oldest Member of Bar Dies

Frank E. Bradner, died June 1937. Mr. Bradner had been member of the New Jersey since 1876 and was in active practice until a few weeks prior to death.

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...jury Is Held A Contempt Of Court

...S ANGELES, (CCNS) — In ...irst decision of its kind in ...rnia and one with few prec... ...s in other states, Superior ... W. Turney Fox ruled that ...ry interferes with the ad... ...ration of justice and hence ...be punished as a contempt ...rt.

...ge Fox sentenced a judgment ...r to four days in jail for hav... ...estified that there was no ...account upon which he had ...nity to draw, whereas under ...rangement with his wife he ...ted funds in an account car... ...h her maiden name and reg... ...drew checks against it ...she signed.

...Court held this bank ac... ...was merely a conduit ...gh which defendant conduct... ...business.

...far as is known this is the ...direct ruling in this state ...perjury may be punished as a ...mpt. If generally adopted, ...rs say, it would prove a de... ...t against a growing evil, es... ...y in proceedings to enforce ...ent of judgments. (Kurtz v. ...)

...boken Lawyers Club Meet

...Hoboken Lawyers Club met ...ces of Lichtenstein, Schwartz ...Friedenberg of Hoboken. The ...ing standing committee ap... ...ents were made by the pres... ...Samuel Friedman. On a ...dule of fees for services, ...es De Fazio Jr., Bernard ...y, Bernard J. Glick, Frank J. ...ano and Daniel McCarthy. On ...thorized practice of law, Na... ...J. Baker, Sylvan S. Cohen, ...t Emery, William S. Stuhr, ...ict A Beronio, Economic re... ...Julius Lichtenstein, John J. ...r. Harlan Besson, Nathan ...er, J. Raymond Tiffany, ...es S. Taub, William Kauf... ...Henry Shiffman. Entertain... ...and speakers, William Kauf... ...Fred H. Hauser, Robert Mc... ...Charles DeFazio Jr., Har... ...Friedman. Membership, Bene... ...A. Beronio, Charles Korn, ...s Brown, David Lev, E. Nor... ...Wilson and Marcus Werther. ...next meeting of the Associa... ...will be held on June 24.

...TARY

...usiness Barometer

...e Federal Reserve reports ...a large increase in invest... ...s mortgage loans, and short ...loans. Banks reported a total ...3,000,000 increase in demand ...ts and an increase of $17,... ...00 in time deposits.

...w car financing for April de... ...d 9% as compared with April ...but was 47% above April ...A comparison of the first ...ths of 1937 indicated a 52% ...ase over a similar 1935 per...

...w Jersey's April 1937 indus... ...employment index was the ...st since October 1929 accord... ...a report from Labor Com... ...ner John J. Toohey, Jr.

...olesale trade in April for the ...try at large gained 27% over ...1936 month with the propor... ...of collections remaining the ...The Department of Com... ...reported an unfavorable ...balance of $132,000,000.

...bor strikes continued to cur... ...production in the various ...affected.

$35,000 Award For Unusual "Injury"

BUFFALO, (CCNS) — They couldn't find a scratch or a bruise on the 260-pound body of Clifford Yea, 36-year-old truck driver, after he had been involved in a collision in January of last year. But when Yea came into Supreme Court here with his body wasted away to a mere 196 pounds, a jury awarded him a verdict for $35,000 for his "injury."

In one of the most singular damage suits ever tried in a New York court, the plaintiff was shown to have suffered a "traumatic neurosis", causing paralysis of the left side and leg and a loss of weight, which, doctors testified, is likely to become still more pronounced.

The injury, specialists testified, is purely functional in nature and leaves the co-ordination of nerves and brain obstructed or impaired. The victim must remain quiet, avoiding the least excitement, hardship or shock, in order to prevent a recurrence that might prove fatal, it was explained.

Plaintiffs' witnesses pointed to the fact that he walks with a limp and is still losing weight. Cornell University experts in nervous ailments, currently conducting research into such cases as that of Yea, declared that nerves once damaged by mental conflict tend to undergo permanent structural changes.

The plaintiff, father of ten children, won his verdict against Swift & Company.

Public Defender Act Urged In Congress

WASHINGTON, (CCNS) — A move is now underway in Congress which is intended to result in the establishment of the public defender system in federal courts throughout the country.

SURROGATE'S NOTICE

June 7, 1937

Estate of Sophie Schlesinger, Deceased.

Pursuant to the order of FRED HERRIGEL, JR., Surrogate of the County of Essex, this day made, on the application of the undersigned, executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber, under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

LOUIS SCHLESINGER

Hannoch & Lasser
17 Academy Street
Newark, New Jersey
Proctors
N. J. L. J.—June 10-17-24-July 1-8

May 13, 1937.

ESTATE OF JULIA BROSS, Deceased.

Pursuant to the order of FRED HERRIGEL, JR., Surrogate of the County of Essex, this day made, on the application of the undersigned, executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber, under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

PHILIP A. DONNELLY

Benjamin Shanefield
17 Academy Street
Newark, N. J.
Proctor
N. J. L. J.—May 20-27-June 3-10-17

CHANCERY NOTICES

IN CHANCERY OF NEW JERSEY—TO: AMELIA LIPS, PHILLIPI LIPS or PHILIP LIPSI, ALBERT LIPS, JAMES LIPS and FRABIZIO LIPS, JR.:

By virtue of an Order of the Court of Chancery of New Jersey, made on the day of the date hereof, in a cause wherein John William De Baun, Jr., and Celia M. De Baun, his wife, are complainants, and Amelia Lips, and others are defendants, you are required to appear and answer the bill of said complaint, on or before the nineteenth day of July, next, or the said bill will be taken as confessed against you.

The said bill is filed to foreclose a mortgage in the sum of $5,500.00 held by the said complainants, which mortgage is recorded in the Register's Office of Essex County in Book C-70 of Mortgages for said County at pages 31-32 and you AMELIA LIPS are made defendant because you are the owner of record of said mortgaged premises and you PHILLIPI LIPS or PHILIP LIPSI, are made defendant because you claim a remainder in fee as tenant in common in, and are the holder of a two-fifths interest in the mortgage covering the premises described in the bill of complaint filed herein, and you ALBERT LIPS, JAMES LIPS and FRABIZIO LIPS, JR., are made defendants because you claim a remainder in fee as tenants in common in the premises mentioned and described in the bill of complaint filed herein.

Dated May 19, 1937.

WALTER G. BRANDLEY
Solicitor of Complainants
265 Bloomfield Ave.,
Caldwell, N. J.

N. J. L. J.—May 27-June 3-10-17 $16.38

CHANCERY NOTICES

IN CHANCERY OF NEW JERSEY—TO: MABEL ORBEN

By virtue of an order of the Court of Chancery of New Jersey, made on the day of the date hereof, in a cause therein pending, wherein Francis Child, Surviving Executor of the last Will and Testament of Archibald Mercer, deceased, is complainant, and Charles S. Orben, Mabel Orben, his wife, and John Doe, are defendants, you are required to appear and answer the bill of said complainant on or before the 29th day of July next, or the said bill will be taken as confessed against you.

The said bill is filed to foreclose a certain mortgage given by Charles S. Orben and you, the said Mabel Orben, his wife, to Archibald Mercer, dated June 26, 1922, on lands in the Town of Nutley, County of Essex and State of New Jersey, and you, Mabel Orben, are made defendant because you are the wife of the said Charles S. Orben, the owner of said lands described in said mortgage, and by reason thereof have or may have an interest by way of dower or otherwise, in the mortgaged premises.

Dated: May 28, 1937.

CHILD, RIKER, MARSH & SHIPMAN
Solicitors of Complainant,
744 Broad Street,
Newark, N. J.

N. J. L. J.—June 10-17-24-July 1 $13.02

IN CHANCERY OF NEW JERSEY—TO: ELECTA (LECTA) BAIR and DANIEL L. BAIR, her husband:

By virtue of an order of the Court of Chancery of New Jersey, made on the 3rd day of June, 1937, in a cause wherein Home Owners' Loan Corporation, a body corporate of the United States, is complainant, and you and others are defendants, you are required to appear and answer the bill of complaint of said complainant on or before the 4th day of August, 1937, next, or in default thereof, the said bill will be taken as confessed against you and such decree will be made against you as the Chancellor shall think equitable and just.

The said bill is filed for the purpose of foreclosing a certain mortgage made by Florence A. Gowanlock, widow, to said complainant, which mortgage was dated April 3rd, 1934, and given to secure the sum of $4,729.11, and recorded in Book 3-78 of Mortgages for Essex County, Page 355-362, covering lands known as 10 Rector Street, in the Township of Millburn, County of Essex and State of New Jersey.

You, Electa (Lecta) Bair, are made a party defendant because you are the owner of said premises, and you, Daniel L. Bair, are made a party defendant because you are the husband of said Electa (Lecta) Bair.

Dated: June 3rd, 1937.

RICHARD STOCKTON,
Solicitor for and of Counsel with Complainant,
786 Broad Street,
Newark, N. J.

N. J. L. J.—June 10-17-24-July 1 $15.54

No. 118-365

IN CHANCERY OF NEW JERSEY—TO JOHN GANNON:

By virtue of an Order of the Court of Chancery of New Jersey, made on the day of the date hereto, in a cause wherein The Home Owners' Loan Corporation, a corporate body of the United States of America, having its principal office in Washington, D. C., is complainant, and Karl William Wendell and Adele T. Wendell, his wife, John W. Melick and yourself are defendants, you are required to appear and answer the Bill of said complaint, on or before the 19th day of July, next, or the said Bill will be taken as confessed against you.

The said Bill is filed to foreclose a certain mortgage given by Karl William Wendell and Adele T. Wendell, his wife, to The Home Owner's Loan Corporation, dated the 12th day of April, 1934, on lands in the City of Newark, in the County of Essex and the State of New Jersey:

And you, John Gannon, are made a defendant because you are the mortgagee in a certain mortgage given by Karl William Wendel and Adele T. Wendel, mortgagors, dated February 1, 1937, and recorded on February 26, 1937 in Book E 85 of Mortgages for Essex County, page 451, which mortgage is a subsequent lien on the lands described in the complainant's mortgage.

Dated: May 17th, 1937.

RICHARD H. THIELE,
Solr's. of Compl't.
17 Academy Street
Newark, New Jersey.

N. J. L. J.—May 27-June 3-10-17 $15.54

TO: YETTA BANKER and ETTA HERZFELD:

By an order of the Court of Chancery of New Jersey made May 7, 1937, in a cause wherein Hadassah, The Women's Zionist Organization, Inc., is the complainant, and Sadie Daniels, and others, are defendants, you are required to appear and answer the bill of complainant on or before July 8, 1937 next, or the said bill will be taken as confessed against you.

The said bill is filed to obtain a construction of the will of Joseph Sobel, and you Yetta Banker and Etta Herzfeld, are made defendants because you are sisters of Anna Sobel, deceased, who was the widow of the said Joseph Sobel and you may have an interest in the estate of the said Joseph Sobel.

Dated: May 7, 1937.

MARTIN SIMON
Sol'r. for Complainant
24 Commerce St., Newark, N. J.

N. J. L. J.—May 20-27-June 3-10. $9.66

118-498

IN CHANCERY OF NEW JERSEY—TO ELSIE B. CONVERSE and ERNEST CONVERSE, her husband, HOWARD E. BRONSON JR. and JEANETTE BRONSON, his wife, and their heirs, devisees and personal representatives.

By virtue of an amended Order of the Court of Chancery of New Jersey, made on May 25, 1937, in a cause wherein the Home Owners' Loan Corporation, a body corporate of the United States of America, is complainant and Elsie B. Converse and Ernest Converse, her husband, Howard E. Bronson Jr. and Jeanette Bronson, his wife, and others are defendants, you are required to appear and answer the bill of said complainant, on or before the 26th day of July next, or the said bill will be taken as confessed against you.

The said bill is filed to foreclose a certain mortgage given by Howard E. Bronson Sr. and Mary A. Bronson, his wife, to the said complainant, dated the twentieth day of December, 1933, on lands in the City of Newark, in the County of Essex and State of New Jersey: and you, Elsie B. Converse, are made a party defendant because you are one of the heirs at law of Mary A. Bronson, deceased and Howard E. Bronson Sr. deceased, and one of the owners of the premises described in said mortgage and sought to be foreclosed: and you, Ernest Converse, are made a party defendant because you are the husband of the said defendant, Elsie B. Converse, and as such have a curtesy interest in the premises described in said mortgage and sought to be foreclosed: and you, Howard E. Bronson Jr. are made a party defendant because you are one of the heirs at law of Mary A. Bronson deceased and Howard E. Bronson Sr., deceased, and one of the owners of the premises, described in said mortgage and sought to be foreclosed: and you, Jeanette Bronson, are made a party defendant because you are the wife of the said defendant, Howard E. Bronson Jr., and as such have a dower interest in the premises described in said mortgage and sought to be foreclosed.

Dated: May 28, 1937

McCURRIE AND CONNOLLY
Solicitors for Complainant
15 Market Street
Newark, New Jersey

N. J. L. J.—June 3-10-17-24 $23.10

CHANCERY NOTICES

IN CHANCERY OF NEW JERSEY—TO: EZEQUIEL SOARES:

By virtue of an Order of the Court of Chancery, made on the day of the date hereof, in a cause wherein SOPHIE SZUREK CONRAD is complainant, and MARY TOTO and another are defendants, you are required to appear and answer the Bill of said complainant on or before the 21st day of July, next, or the said Bill will be taken as confessed against you.

The said Bill is filed to foreclose a certain mortgage made by Mary Toto, widow, to Sophie Szurek, dated January 30, 1929, on lands in the City of Newark, County of Essex and State of New Jersey; and you, Ezequiel Soares, are made defendant because you are now the record owner of the lands described therein.

Dated: May 20, 1937

HYMAN BUSCH,
Solicitor of Complainant,
24 Commerce Street,
Newark, New Jersey.

N. J. L. J.—May 27-June 3-10-17 $10.08

IN CHANCERY OF NEW JERSEY—TO: Helen Gaffney and Henry Gaffney, her husband.

By virtue of an Order of the Court of Chancery of New Jersey, made on the day of the date hereof in a cause wherein The Intercity Building and Loan Association of Newark, N. J., is complainant, and Helen Gaffney, and others, are defendants, you are required to appear and answer the Bill of said Complainant on or before the 15th day of July, next, or the said Bill will be taken as confessed against you.

The said Bill is filed to foreclose a certain mortgage given by Helen Gaffney and Henry Gaffney, her husband, to The Intercity Building and Loan Association of Newark N. J., dated the 1st day of November, 1930, on lands in the City of Newark, County of Essex and State of New Jersey, and recorded in Book W-70 of Mortgages for said County, on Page 339. And you, Helen Gaffney are made a defendant because you are the owner of the premises and also one of the obligors on the bond executed to complainant and may be liable for any deficiency resulting from a sale of the mortgaged premises. And you, Henry Gaffney are made a defendant because you are the husband of Helen Gaffney, owner of the premises and may have an interest by way of inchoate right of curtesy, or otherwise in the mortgaged premises; and also because you are one of the obligors on the bond executed to complainant and may be liable for any deficiency resulting from a sale of the mortgaged premises.

LEVY, FENSTER & McCLOSKEY
Solicitors of Complainant
868 Broad Street,
Newark, N. J.

Dated: Newark, N. J.
May 14th, 1937.

N. J. L. J.—May 20-27-June 3-10. $18.06

CHANCERY NOTICES

NOTICE TO ABSENT DEFENDANTS:

TO: JACOB GINSBERG, ANNIE GINSBERG, CHARLES WAX, GEORGE GREENBERG, BYRON GINSBERG (now known as Byron Gilbert) AND JOSEPH GINSBERG:

By virtue of an order of the Court of Chancery of New Jersey, made on the day of the date hereof, in a cause wherein Oxford Building and Loan Association, a corporation of New Jersey, is complainant, and Fanny O. Travis, also known as Fannie O. Travis, et als, are defendants, you are required to appear and answer the bill of said complainant on or before the 22nd day of July, next, or the said bill will be taken as confessed against you.

The said bill is filed to foreclose a certain mortgage given to Oxford Building and Loan Association of Newark, New Jersey, a corporation of New Jersey, by Fanny O. Travis, widow, also known as Fannie O. Travis, dated the 16th day of July, 1935, on lands in the City of Newark, County of Essex and State of New Jersey; and you are all made party defendants because you claim as a beneficiary under the last will and Testament of Morris Kalb, an interest in a mortgage which is a lien on the premises mentioned and described in said bill subsequent to the mortgage under foreclosure.

Dated: May 21, 1937.

HARRY STEINER
Solicitor of Complainant,
24 Branford Pl.,
Newark, N. J.

N. J. L. J.—June 3-10-17-24 $13.12

IN CHANCERY OF NEW JERSEY—TO: Alice Dauches.

By virtue of an order of the Court of Chancery of New Jersey, made on the 6th day of May, 1937, in a cause wherein the Hibernian Building and Loan Association of Essex County is the complainant, and you and others are the defendants, you are required to answer the bill of complaint filed herein, on or before the 7th day of July, next or the said bill will be taken as confessed against you.

The said bill is filed to foreclose two mortgages given by Stanley Bairunas and Matilda Bairunas his wife to the Hibernian Building and Loan Association, of Essex County and recorded in Books P-49, page 7406 and O-61, page 586 of Mortgages for Essex County and land in Nutley, New Jersey; and you Alice Dauches are made a defendant because you (as administratrix of the estate of Joseph Dauches, deceased), are the holder of a mortgage subsequent to the liens held by the complainant, and your claim and interest therein is subject to the lien of the complainant.

Dated Newark N. J.
May 18th, 1937.

THOMAS A. KENNY
Sol'r of Complainant,
786 Broad Street,
Newark, N. J.

N. J. L. J.—May 20-27-June 3-10 $13.44

MAURICE C. BRIGADIER, Esq.

announces that his twenty-eighth Course in preparation for the October, 1937 **Attorneys'** and **Counsellors' Examinations** will commence on June 21, 1937. This course consisting of sixty lectures will be conducted between 5:00 P. M. and 7:30 P. M. at the **Industrial Office Building,** 1060 Broad Street, Newark, N. J.

Each student will receive: (1) A printed Summary of Practice and Pleading at Law in New Jersey. (2) A printed Summary of Practice and Pleading in Chancery. (3) A selection of 2000 Bar Examinations Questions with Answers prepared by Mr. Brigadier. (4) Digest of Current Cases and Statutes. (5) Summary of Probate Procedure. (6) Summary of Criminal Procedure.

The fee is $50, registrations accepted with deposit of $20; balance of $30 payable on opening day of Course.

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GENERAL NEWS

HIGHLIGHTS OF THE WEEK

Thursday, June 3

President asks Congress to fight against tax evaders — Italy announces that Italian ships would repress traffic in arms and munitions.

Friday, June 4

France and Britain agree in consolidation of international fleets patrolling the Spanish coast.

Saturday, June 5

President Roosevelt insists Court Reorganization proposal will be passed—Three Chrysler Corporation plants in Detroit, closed because of strikes, will reopen.

Monday, June 7

Congress may be in session until late summer because of the heavy legislative slate—Republic Steel Corporation was ordered by Mayor Kelly of Chicago to cease housing non-striking workers.

Tuesday, June 8

B. & O. Railroad asks Governor Davey to take action against strikers interfering with their operations—Nazi and Catholic youth exchange in free-for-all fight in Munich.

Wednesday, June 9

63 planes bomb suburb of Bilbao—Reich court rules Church is subject to secret police.

Employer Denied Right To Work

WASHINGTON, (CCNS) — Largely overlooked in the excitement over the social security decisions but of considerable significance in the rapidly developing field of labor law was the United States Supreme Court decision sustaining the advanced Wisconsin labor code as applied in the case of a title contractor who insisted on his right to work with his own hands in his own business and to be free from picketing which would force him to abandon that right.

Under the law as laid down by the Supreme Court the union may continue to "persuade" this contractor to unionize his shop and thus to disqualify himself for the performance of manual work in his own small business. (Senn v. Tile Layers Protective Union).

Warning To All Liquor Dealers

A warning has been issued to all holders of liquor licenses by Commissioner D. Frederick Burnett that renewal regulations will be strictly enforced. Those who fail to have their new licenses on or before July 1st, are subject to arrest.

SHERIFF'S SALES

(Chancery E—536)

SHERIFF'S SALE—In Chancery of New Jersey. Between William E. Sandmeyer and Julia S. Swenson, complainants, and Ella Levy and Hannah M. Jacobson, defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-ninth day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning on the westerly side of North Sixth Street at a point distant one hundred feet south of Sixth avenue; thence southerly along North Sixth Street twenty-five feet; thence westerly on a line at right angles to North Sixth Street one hundred feet; thence northerly on a line parallel with North Sixth Street twenty-five feet; thence easterly at right angles to North Sixth Street one hundred feet to the place of Beginning.

Being known and designated as No. 230 North 6th Street, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Six Thousand Five Hundred Twenty-two Dollars and Seventy-five Cents ($6,522.75), together with the costs of this sale.

Newark, N. J., May 24, 1937.

JAMES A. McRELL, Sheriff.

Sandmeyer & Meisner, Sol'rs. $15.12
N. J. L. J.—June 3-10-17-24

Trade Rising

A summarization of reports by the Standard Statistics Company shows that in almost every leading industry of the nation trade activity has approached and often passed the records set in 1929. Sale of advertising space has been increasing in every medium and magazines have been compelled to raise their rates to cover production costs due to expanding circulation. Production of tools, machinery, aeroplanes and parts, automobiles and parts and accessories have all made production records.

SHERIFF'S SALES

(Chancery E—546)

SHERIFF'S SALE—In Chancery of New Jersey, Between Post Office Building and Loan Association, a corporation of New Jersey, complainant, and Concetta Venello, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the sixth day of July next, at one o'clock P. M. (Eastern Standard Time), all the following tracts or parcels of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Tracts to be sold separately.

1. Beginning at a point in the Northerly line of James Street distant forty-two and seventy-five hundredths feet Easterly from the Easterly line of Sheffield Street, said point being the Southwesterly corner of parcels of land and premises heretofore conveyed by Joseph Sperber and wife to Joseph Sperber, Jr., by deed dated May 1, 1907, and recorded in Essex County Register's Office in Book 1-87 of deeds for said county on page 112; thence (1) North sixty-six degrees forty-six minutes East twenty and twenty-six hundredths feet to a point in line with the center of the party wall dividing the premises herein described from the premises adjoining on the East; thence through the center of the party wall North twenty-five degrees twenty-nine minutes East thirty-five feet; thence south sixty-four degrees thirty-one minutes East three feet; thence North twenty-five degrees twenty-nine minutes East fifteen and fifty hundredths feet; thence South sixty-four degrees thirty-one minutes East five feet; thence North fifty-seven degrees forty-seven minutes East twenty-eight and eighty-one hundredths feet; thence South sixty-four degrees thirty-one minutes East six and thirty-two hundredths feet; thence North twenty-five degrees twenty-nine minutes East ten feet; thence North sixty-four degrees thirty-one minutes West ten feet; thence South twenty-five degrees twenty-nine minutes West five and sixty-two hundredths feet; thence South eighty-six degrees eight minutes West thirty-five and thirteen hundredths feet; thence South twenty-five degrees twenty-nine minutes West five feet; thence Southerly in a straight line six feet two inches more or less to the Northwesterly corner of the building standing on the premises herein described; thence along the Westerly wall of said building twelve and four hundredths feet to a jog in said building; thence westerly along the Northerly wall of the said building eight feet more or less to a point; thence South twenty-five degrees twenty-nine minutes West thirty-five and twenty-five hundredths feet to the aforesaid line of James Street and point and place of Beginning.

Together with the right of ingress and egress between all the lands lying between the buildings known as No. 147 James Street and No. 114 1-2 Sheffield Street, Newark, N. J.

Being part of the same premises conveyed to the said Concetta Venello by deed of Jessie C. Osborn, individually and as executrix of even date herewith and to be recorded herewith, the consideration of this mortgage being used in part to purchase the said premises and this being a purchase money mortgage.

The said party of the first part hereby agrees to take out all insurance and renewals thereof through the agents or brokers of the Post Office Building and Loan Association.

This tract being known and designated as No. 147 James Street.

The approximate amount of the Decree to be satisfied by the sale of this tract is the sum of Five Thousand Three Hundred Sixty-three Dollars and Six Cents ($5,363.06), together with the costs of this sale.

2. Beginning at a point in the Easterly line of Sheffield Street distant twenty-six and five hundredths feet Northerly from the Northerly line of James Street, which point is in line with the center of the party wall dividing the premises herein described from the premises adjoining on the South; thence South fifty-six degrees forty-six minutes East and through the center of the party wall forty-two and seventy-five hundredths feet; thence North twenty-five degrees twenty-nine minutes East nine and eleven hundredths feet more or less to a point in line with the Northerly wall of the premises adjoining on the East; thence Easterly along the same eight feet more or less to a jog in the building; thence Northerly along the Westerly wall of the said building twelve and four hundredths feet to the Northwesterly corner of the said building; thence still northerly six feet nine inches more or less to the southerly line of property adjoining on the North; thence running along the Southerly line of property adjoining on the North, North sixty-four degrees thirty-one minutes West fifteen and fifty hundredths feet to the Easterly line of the building standing on the premises adjoining on the North; thence along the same South twenty-five degrees twenty-nine minutes West two and fifty hundredths feet to the center line of the party wall dividing the premises herein described from the premises adjoining on the North; thence along the center of the party wall North sixty-four degrees thirty-one minutes West thirty-six feet to the aforesaid Easterly line of Sheffield Street; thence along the same South twenty-five degrees twenty-nine minutes West twenty and thirteen hundredths feet to the point and place of Beginning.

Together with the right of ingress and egress between all the lands lying between the buildings known as No. 147 James Street and No. 114 1-2 Sheffield Street, Newark, N. J.

Being part of the same premises conveyed to the said Concetta Venello by deed of Jessie C. Osborn, individually and as executrix of even date herewith and to be recorded herewith, the consideration of this mortgage being used in part to purchase the said premises and this being a purchase money mortgage.

The said party of the first part hereby agrees to take out all insurance and renewals thereof through the agents or brokers of the Post Office Building and Loan Association.

This tract being known and designated as No. 114 1-2 Sheffield Street.

The approximate amount of the Decree to be satisfied by the sale of this tract is the sum of Five Thousand Two Hundred Ninety-seven Dollars and Two Cents ($5,297.02), together with the costs of this sale.

Newark, N. J., May 31, 1937.

JAMES A. McRELL, Sheriff.

Stickel and Stickel, Sol'rs. $65.52
N. J. L. J.—June 10-17-24-July 1

PERSONAL

Leonard M. Taylor announces the opening of offices for the general practice of law at 11 Commerce St., Newark.

SHERIFF'S SALES

(Chancery E—559)

SHERIFF'S SALE—In Chancery of New Jersey, Between Home Owners' Loan Corporation, a body corporate of the United States, complainant, and Margaret Ritter, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the sixth day of July next, at one o'clock P. M. (Eastern Standard Time), all that certain tract or parcel of land and premises situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning in the westerly line of South 7th Street at a point distant one hundred fifteen feet southerly from the southerly line of South Orange Avenue; thence running along said westerly line of South 7th Street south twenty-four degrees twenty-five minutes west thirty one feet; thence north sixty six degrees twenty minutes west eighty nine feet one and one half inches more or less to westerly line of property of Catherine Higgins; thence along the same north twenty three degrees thirty two minutes east twenty five feet and thirty two one hundredths of a foot; thence south sixty six degrees twenty minutes east twenty eight feet; thence north twenty three degrees thirty two minutes east five feet and sixty eight one hundredths of a foot; thence south sixty six degrees twenty minutes east sixty one feet and twenty one hundredths of a foot to the westerly line of South 7th Street and place of Beginning.

Being known and designated as No. 283 South 7th Street.

Being the same premises conveyed to Margaret Ritter, Regina Ritter and William F. Ritter Jr., by Emma M. Ritter, widow, by deed dated November 22, 1932, and recorded in Essex County Register's Office in Book K-85 of deeds for said county on page 112.

The approximate amount of the Decree to be satisfied by said sale is the sum of Eight Thousand Two Hundred and Thirty-Nine Dollars and Thirty Cents ($8,026.30), together with the costs of this sale.

Newark, N. J., May 31, 1937.

JAMES A. McRELL, Sheriff.

Israel Sperber, Solr. $22.68
N. J. L. J.—June 10-17-24-July 1

(Chancery E—444)

SHERIFF'S SALE—In Chancery of New Jersey, Between Fidelity Union Trust Company, a corporation of New Jersey, as Trustee, et als., complainants, and William Greenfield, et al., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the Fifteenth day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning in the northerly line of Randolph Place at a point distant one hundred fifty feet westerly from the westerly line of Clinton Place; running thence (1) north seventeen degrees three minutes east one hundred twenty-five feet; thence (2) north seventy-two degrees fifty-seven minutes west ninety-two feet and twenty-five hundredths of a foot; thence (3) south seventeen degrees three minutes west one hundred twenty-five feet to said northerly line of Randolph Place; thence (4) along said line of Randolph Place south seventy-two degrees fifty-seven minutes east ninety-two feet and twenty-five hundredths of a foot to the point or place of Beginning.

This description is in accordance with a survey made by Harrison R. Van Duyne, Civil Engineer and Surveyor, dated August 3, 1926.

Being the same premises conveyed to Willing Greenfield by two deeds, one from Bernard Wigder dated November 13, 1920, recorded November 17, 1920, in Deed Book B-64 pages 26-27, and the other deed from Silka Schwerin and wife, dated March 1, 1921, and recorded March 8, 1921, in Deed Book G-61 pages 293-294.

Being known and designated as No. 12-14-16-18 Randolph Place, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Twenty Thousand Eight Hundred Eighty-one Dollars and Fifty-eight Cents ($20,881.58), together with the costs of this sale.

Newark, N. J., May 10, 1937.

JAMES A. McRELL, Sheriff.

Cohen and Cohen, Sol'rs. ($22.16)
N. J. L. J.—May 20-27-June 3-10.

(Chancery E—519)

SHERIFF'S SALE—In Chancery of New Jersey, Between The Woodside Building & Loan Association, a corporation of New Jersey, complainant, and William Ward Crane, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-ninth day of June next, at one o'clock P. M. (Eastern Standard Time).

Tracts to be sold separately.

All the following tracts or parcels of land and premises, situate and being in the City of Newark, Essex County, New Jersey.

Beginning at a point in the Westerly line of Bellair Place distant 170 1-2 feet North of the point of intersection of the Northerly line of Grafton Avenue if produced Westerly with the said line of Bellair Place; thence Westerly and parallel with said produced line of Grafton Avenue 100 feet; thence Northerly and parallel with said line of Bellair Place 37 1-2 feet; thence Easterly and parallel with first course 100 feet to said line of Bellair Place; and thence Southerly and along the same 37 1-2 feet to the point or place of Beginning.

Being known and designated as Nos. 16-18 Bellair Place, Newark, N. J.

The approximate amount of the Decree to be satisfied by sale of this tract is the sum of Fifteen Hundred and Six Hundred Thirty-one Dollars and Eighty-two Cents ($1,631.82), together with the costs of this sale.

Also all that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the City of Newark, in the County of Essex and State of New Jersey.

Beginning at the Northeasterly corner of Montclair Avenue and Manchester Place; thence easterly and along the said line of Montclair Avenue 60.67 feet; thence Northerly and parallel with the line of Manchester Place, 100 feet; thence Westerly and parallel with Montclair Avenue, 60.67 feet to said line of Manchester Place and thence Southerly and along the same 100 feet to the corner and place of Beginning.

Being known and designated as No. 210 Montclair Avenue, Newark, N. J.

The approximate amount of the decree to be satisfied by sale of this tract is the sum of Fifteen Hundred One Hundred Fifty-three Dollars and Ninety-nine Cents ($1,153.99), together with the costs of this sale.

Which properties are to be sold subject to the following encumbrances: Unpaid assessments, water rents and taxes, if any; rights of existing tenants; [illegible] of municipal ordinances, restrictions [illegible] of record, if any; and such facts [illegible] survey would disclose.

Newark, N. J., May 24, 1937.

JAMES A. McRELL, Sheriff.

Joseph Kahrs, Sol'r. $28.98
N. J. L. J.—June 3-10-17-24

SHERIFF'S SALES

(Chancery E—466)

SHERIFF'S SALE—In Chancery of New Jersey, Between Max Blum, complainant, and Karl F. Roemmele, defendant. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the Fifteenth day of June, next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning at the corner formed by the intersection of the northerly line of Eighteenth Avenue (formerly Ocean Avenue) and the Westerly line of Brookdale Avenue; thence Westerly along the said Northerly line of Eighteenth Avenue fifty feet; thence Northerly at right angles to Eighteenth Avenue one hundred feet; thence Easterly parallel with Eighteenth Avenue fifty feet to the Westerly line of Brookdale Avenue; thence Southerly along the same one hundred feet to the point and place of Beginning.

Being known and designated as lots numbers 29 and 30 Block 6 on Map of Greater Newark Park, on file in the Office of the Clerk, Essex County, New Jersey, surveyed March and August, 1906 by Edward G. Kemeff, surveyor.

Being known and designated as 1002-1004 18th Avenue, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Nine Thousand Nine Hundred Forty and Eighty-nine Cents ($9,940.89), together with the costs of this sale.

Newark, N. J., May 10, 1937.

JAMES A. McRELL, Sheriff.

William Stalford, Sol'r. ($18.06)
N. J. L. J.—May 20-27-June 3-10.

(Chancery E—529)

SHERIFF'S SALE—In Chancery of New Jersey, Between The Hilton B. & L. Ass'n., a corp., &c. complainant, and Henry Steckmann, et al. defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-ninth day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning at the intersection of the Northerly line of Carteret Street with the Easterly line of Seymour Avenue; and running thence Northeasterly along said Easterly line of Seymour Avenue, two hundred and ninety-two feet and forty one-hundredths of a foot; thence South sixty-one degrees one minute East forty-two feet and three-hundredths of a foot; thence South forty-seven degrees seventeen minutes West forty-two feet and forty-two hundredths of a foot to said line of Carteret Street; thence along said line of Carteret Street North 47 degrees fifty minutes West eighty feet and two hundredths of a foot to the point or place of Beginning.

Being the same premises conveyed to the said Henry Steckmann by Sheriff's deed recorded in the Essex County Register's office in Book [illegible] of Deeds for said County, on pages 212, &c.

Being known and designated as No. 55 Carteret Street, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Forty-eight Thousand One Hundred Ninety-four Dollars and Thirty-seven Cents ($48,194.37), together with the costs of this sale.

Newark, N. J., May 24, 1937.

JAMES A. McRELL, Sheriff.

Ernest P. Kerr, Sol'r. $18.90
N. J. L. J.—June 3-10-17-24

(Chancery E—571)

SHERIFF'S SALE—In Chancery of New Jersey, Between Woodside Building and Loan Association, a corporation of New Jersey, complainant, and Mary J. Purnell, wife, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-ninth day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning in the Northerly line of Nassau Street at a point distant one hundred and seventy-four feet Easterly from the Easterly line of High Street; thence running Northerly parallel with High Street, one hundred feet; thence Easterly parallel with Nassau Street twenty feet; thence Southerly parallel with High Street one hundred feet to the Northerly line of Nassau Street; thence Westerly along the said line of Nassau Street twenty feet to the point and place of Beginning.

Being known as No. 16 Nassau Street.

The approximate amount of the Decree to be satisfied by said sale is the sum of Four Thousand Six Hundred and Sixty-seven Dollars and Seventy Cents ($4,667.70), together with the costs of this sale.

Newark, N. J., May 31, 1937.

JAMES A. McRELL, Sheriff.

Robert S. Tydeman, Sol'r. $15.54
N. J. L. J.—June 10-17-24-July 1

(Chancery E—472)

SHERIFF'S SALE—In Chancery of New Jersey, Between New Jersey Fidelity & Plate Glass Insurance Company, etc., et al., complainants, and Herman E. Nesbit, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-ninth day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning at a point in the Northerly line of Lehigh Avenue thereto distant one hundred eighty-eight feet and ninety-seven one hundredths of a foot Easterly from the Easterly line of Hunterdon Street as the same are laid down on a map of property of Newark Park and Improvement Company revised in 1909 by George H. Gardner, Surveyor, revised in 1912 by John E. Lalor, surveyor, which beginning point is also the Southeasterly corner of lot No. 669 on said map; thence running Easterly along said Northerly line of Lehigh Avenue, one hundred feet to the Southeasterly corner of lot No. 672 on said map; thence running Northerly along the Westerly line of said lot No. 672 on said map, one hundred feet to the Southerly line of lot No. 657 on said map; thence running Westerly along the Southerly line of lots No. 657, 658, 659 and 660 on said map one hundred feet to the Northeasterly corner of said lot No. 669; thence running Southerly along the Easterly line of said lot No. 669 one hundred feet to the point or place of Beginning and the point and place of beginning. Being lots No. 670 and 671 on said map.

Being known and designated as No. 61 Lehigh Avenue, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Nineteen Thousand Two Hundred Nine Dollars and Eleven Cents ($19,209.11), together with the costs of this sale.

Newark, N. J., May 17, 1937.

JAMES A. McRELL, Sheriff.

C. Raymond Lyons, Sol'r. $22.68
N. J. L. J.—May 27-June 3-10-17

SHERIFF'S SALES

(Chancery E—479)

SHERIFF'S SALE—In Chancery of New Jersey, Between The Howard Savings Institution, complainant, and Charles Bergstadt, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-second day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning at a point in the Westerly line of Hunterdon street distant [illegible] feet Southerly from the intersection of the Westerly line of Hunterdon Street with the Southerly line of Bigelow Street; thence South twenty-two degrees seven minutes West along said Westerly line of Hunterdon Street one hundred feet and [illegible] hundredths of a foot [illegible] feet; thence North sixty-four degrees six minutes West along the Northerly line of Lot number 68 on map of the [illegible] Tract, property of Twentieth Century Land and Improvement Co., [illegible] feet; thence North sixty-four degrees six minutes West along the Northerly line of Lot number 67 as shown on said map one hundred feet and five one-hundredths of a foot [illegible] feet to a point; thence North twenty-two degrees seven minutes East [illegible] feet; thence South sixty-four degrees six minutes East and [illegible] feet; thence South twenty-two degrees seven minutes West [illegible] feet and [illegible] hundredths of a foot [illegible] feet to the point and place of Beginning.

The above description being [illegible] with a survey made by Marshall A. [illegible], Surveyor, dated December 27, 1927.

The building on said premises being known and designated as street numbers [illegible] Hunterdon Street, Newark, New Jersey.

Being the same premises conveyed to Mary Becker [illegible] by deed of [illegible] and wife, dated October 27, 1927, recorded in the Essex County Clerk's office on November 14, 1927, in Book [illegible] of Deeds, page 72, and the other from Edward [illegible] dated November 14, 1927, recorded in Essex County, dated September 17, 1927, and to be recorded simultaneously herewith.

This mortgage being given to secure a portion of the purchase price for the premises advanced by the party of the first part.

The approximate amount of the Decree to be satisfied and sale is the sum of Twenty-eight Thousand Four Hundred Seventy-eight Dollars and Six Cents ($28,478.06), together with the costs of this sale.

Newark, N. J., May 17, 1937.

JAMES A. McRELL, Sheriff.

Charles H. Hall, Sol'r. $19.80
N. J. L. J.—May 27-June 3-10-17

(Chancery E—451)

SHERIFF'S SALE—In Chancery of New Jersey, Between Home Owners' Loan Corporation, a body corporate of the United States, complainant, and Joseph Sacco and Frances Bancroft, et als., defendants. Fi. fa., for sale of mortgaged premises.

By virtue of the above stated writ of fieri facias, to me directed, I shall expose for sale by public vendue, at the Court House, in Newark, on Tuesday, the twenty-second day of June next, at one o'clock P. M. (Eastern Standard Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey.

Beginning at a point in the Northerly line of Lehigh Avenue thereto distant one hundred eighty-eight feet and ninety-seven one hundredths of a foot Easterly from the Easterly line of Hunterdon Street as the same are laid down on a map of property of Newark Park and Improvement Company revised in 1909 by George H. Gardner, Surveyor, revised in 1912 by John E. Lalor, surveyor, which beginning point is also the Southeasterly corner of lot No. 669 on said map; thence running Easterly along said Northerly line of Lehigh Avenue, one hundred feet to the Southeasterly corner of lot No. 672 on said map; thence running Northerly along the Westerly line of said lot No. 672 on said map, one hundred feet to the Southerly line of lot No. 657 on said map; thence running Westerly along the Southerly line of lots No. 657, 658, 659 and 660 on said map one hundred feet to the Northeasterly corner of said lot No. 669; thence running Southerly along the Easterly line of said lot No. 669 one hundred feet to the point or place of Beginning and the point and place of beginning. Being lots No. 670 and 671 on said map.

Being known and designated as No. 61 Lehigh Avenue, Newark, N. J.

The approximate amount of the Decree to be satisfied by said sale is the sum of Nineteen Thousand Two Hundred Nine Dollars and Eleven Cents ($19,209.11), together with the costs of this sale.

Newark, N. J., May 17, 1937.

JAMES A. McRELL, Sheriff.

C. Raymond Lyons, Sol'r. $22.68
N. J. L. J.—May 27-June 3-10-17

LAW REVIEW

Saul Tischler
Counsellor at Law of N. J.

Former Editor of New Jers
Law Journal
LL.B. New Jersey Law Sch
LL.M. New York Univers

Announces that he will co
duct a "Law Review" for
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the New Jersey attorneys a
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held in October, 1937, assur
personal attention to each s
dent.

This course will commence
or about June 21, 1937 and w
consist of at least sixty-fi
lectures. The hours of lectu
are from 6:00 P. M. to
P. M., (except Saturdays)
the course will be given at
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For further information wri
to

MARVIN K. SCHLESINGER
45 Branford Place, Newark
New Jersey
TUITION $10.00

Attorneys At Law of N. J.

ew Jersey State Bar Examination; Counsellor's — April, 1937

What are the essential ments by a creditor of a bill et aside a fraudulent convey- made subsequent to the crea- f the creditor's debt.

On the trial of a cause, it ared that plaintiff, while in store of the G. Co., for the ose of making a purchase, ed on some unknown sub- e fell and was injured. There no testimony as to the length me the substance had been on floor or that defendant or its s knew of its presence. Plain- stified over objection that the clerk who had assisted her the floor said to her, "I told manager five hours ago to someone clean that up." of the nature and extent of iff's pecuniary loss and pain received in evidence. Motion de for a direction of a ver- in favor of defendants. On argument the plaintiff con-

that the G. Co. is an insurer safety of the plaintiff;

that the doctrine of res ipsa ur applies;

that the statement of the clerk rt of the res gestae;

that the statement of the is an admission against the lant.

on the foregoing contentions. A suspecting his wife of in- y, engaged Brown Detective y to watch her and to se- evidence for a divorce. Smith, erator of the Agency was as- to the case. After a week eventful waiting Smith, with- the knowledge of A, retained services of X, whom he re- ed to make the acquaintance wife, and if possible, to com- e the wife. X thereafter met A and subsequently visited a house and later a hotel where gistered as man and wife. and an employee of the y and a friend of A's broke e room and found them in

These facts appearing at the g what should the court do? What is the rule as to testi- of detectives?

and 35. Prepare a proper e of the trial court to the on the issues involved in a arising out of an automobile on in which defendant sets general denial of plaintiff's ation of negligence and also efense of contributory negli- . Omit any discussion of the and limit the charge to the ples of law involved.

B Company, a mortgagee, losed its mortgage of $10,000. e Ocean County Circuit Court. ght in the mortgaged prem- on sale for $100, and the sale confirmed by the Circuit by warrant of attorney at- to the bond. The defendant gagor being a resident of sylvania, suit was instituted hat state on the deficiency ment entered in the New Jer- Supreme Court. Defendant filed a bill in the Court of cery of New Jersey, seeking unction against the B Com- from prosecuting its defic- action unless and until the edits upon the judg- the fair value of the mort- premises at the time of closure. The B Company (the endant in Chancery) contends Chancery has no jurisdiction ause the foreclosure was brought in the Circuit Court and because there is an adequate rem- edy at law.

What should the court do?

37. Jones died testate in 1930. The X Trust Company, named as executor and trustee in his will, duly qualified. The will provided for the establishment of a trust fund with income to his widow for life, remainder to his children. The X Trust Company owned in excess of 50% of the outstanding capital stock of the X Title Company. The X Trust Company purchased from the X Title Company guaranteed first mortgage participation certificates and placed them in the trust fund established under Jones' will. What have you to say regarding such conduct on the part of the X Trust Company? Some of the mortgage participation certificates subsequently depreciate because of a depression in the real estate market. What, if any, are the rights of (a) Mrs. Jones? (b) Jones' children?

38. X Hospital maintains a charitable institution for the care of the sick. One of the employees of the hospital, whose duties required him to keep the floor of the hospital clean and clear of debris, negligently failed to do so. As a result thereof a number of accidents occurred to the following persons:

(a) Jones, a patient at the hospital;

(b) Mrs. Jones, the mother of Jones, who came to visit her son; and

(c) Smith, who had assisted in bringing into the hospital a person who had been injured in an automobile accident.

All three desire to recover damages for their injuries. Is the hospital liable?

39 and 40. (a) When may a reference be had in an action at law?

(b) When is the report of the referee final and conclusive?

(c) May either party reserve a right to trial by jury, and if so, how?

(d) What is the effect of referee's report?

(e) What must the party demanding a trial by jury do after the referee's report is filed?

Handy Index Of Federal Legislation

Published Weekly to Indicate Progress of Measures of General Business Interest.

Signed By President

Prevents speculation in Columbia river lands made irrigable by Grand Coulee dam. Approved May 29. Public Law 117.

Second deficiency act appropriating $81,000,000. Approved May 29. Public Law 121.

Makes disaster corporation loans available to 1936 flood sufferers. Approved May 29. Public Resolution 34.

Deficiency act appropriating $18,000,000 for old age pension grants to states. Approved May 29. Public Resolution 36.

Pased Both Houses

Appropriates $957,000,000 for independent offices. In second conference since April 22.

Appropriates $125,000,000 for State, Justice, Labor and Commerce Departments. Conference report awaiting action since May 18.

Appropriates $571,000,000 for Agriculture Department. In conference since May 17.

Chancery Receiverships

Receivers Appointed

BERGENFIELD PLUMBING & HEATING SUPPLY (General Plumbing Supply Business) ads. American Radiator Co.; solr. A. Schlesinger; custodial recr. Mort L. O'Connell; Filed May 21, 1937

ENTERPRISE PUBLISHING CO (Printing & Publishing) ads. Francis J. Watchorn; solr. A. V. Dawes; recr. Thos. D. Begley; Filed June 1, 1937.

Bills Filed

ASSOCIATED IMPROVEMENT Co. (Buying and Selling Real Estate) ads. Eagle Roofing Co.; solr. D. Segal; Application for order show cause for receiver denied; Filed April 20, 1937.

BERGEN MILK TRANSPORTATION CO. (Transportation of Milk) ads. Edith Blasberg; solr. H. H. Singer; trustees Mort. L. O'Connell and Jacob Stern; Filed May 26, 1937.

CENTRAL FINANCE CO. (Small Loan Business) ads. Jacob Cohen, Inc; solr. D. Cohn; Filed May 20, 1937.

COLONIAL SHOE CORP. (Manufacturing Shoes) ads. Nathan Boyarsky; solr. M. L. Rosenstein; Filed May 28, 1937.

GREAT NOTCH VILLA INC. (Restaurant & Roadhouse) ads. Joseph Stein; solr. A. L. Tumarkin; Filed June 1, 1937.

KAY FOOD SHOPPE (Deal in Food and Grocery Products) ads. Michael Hvasta; solr. J. I. Jaffe; Filed January 15, 1937.

STAR GLASS CO. (Buying, Selling and Manufacturing Glass in all Forms) ads. Abe Cohen; solr M. Korngut; Filed May 21, 1937.

Bankruptcies

RADIN, Samuel (Salesman) 37 W. 3rd St., Bayonne; vol; liab. $11,130.93; assets none; refr. Grimshaw, Jersey City; solr. Henry Landy, 366 Central Ave., Jersey City; 5-27

BODNER, Rae, also known as R. (Grocery) 873 Bergenline Ave., Union City; vol; refr. Grimshaw; solr. Maurice Krivit, 1 Exchange Pl., Jersey City; 6-2

BUCCELLA, Serafino, also known as Charles (Butcher) 35 Ann St., Newark; vol; liab. $9,718.07; assets $270; refr. Porter; solr. Richard Garodnick, 24 Commerce St., Newark; 6-2

BURO, Cristina (Housewife) 446 S. 18th St., Newark; vol; liab. $4,173; assets none; refr. Porter; solr. Max Schomer, Lefcourt Bldg., Newark; 5-27

BURO, Angelo (Laborer) 446 S. 18th St., Newark; vol; liab. $4,-173; assets none; refr. Porter; solr. Max Schomer, Lefcourt Bldg., Newark; 5-27

CASPER, Gustav (Real Estate) 251 Schley Pl., Teaneck; vol; liab. $238,876.92; assets $380; refr. Grimshaw, Paterson; solr. Marinus Contant, Hackensack; 5-28

COHEN, Roy M. (Salesman) 629 Hamilton Rd., South Orange; vol; liab. $163,747.45; assets $2,-900.00; refr. Porter; solr. Hannoch & Lasser, 17 Academy St., Newark; 6-1

CUMMINGS, Edward D. (Laborer) 39 Eighth Ave., Newark; vol; liab. $2,144.61; assets $575; refr. Porter; solr. Julius Feldman, 128 Market St., Newark; 6-2

DA BRONZO, Frank (Plumbing and Heating Contractor) 119 Bayard St., Trenton; vol; liab. $2,276.13; assets, none; refr. Weelans; solr. Pro se; 6-2

DOEBLER, Amelia F. (Unemployed) 31 Sharon Ave., Irvington; vol; liab. $1,020.80; assets $2,073.79; refr. Porter; solr. Pro se; 6-3

DOEBLER, Victoria (Housewife) 31 Sharon Ave., Irvington; vol; liab. $908.46; assets, none; refr. Porter; solr. Pro se; 6-3

FARDELLA, Matthew, 752 Main St., Paterson; vol; liab. $5,145.-76; assets $200; refr. Grimshaw; solr. Raphael Jordan, 80 Market St., Paterson; 6-3

GARDNER, William E. (Salesman) Bernardsville, N. J.; vol; liab. $3564.67; assets none; refr. Porter; solr. Frederick I. Pelovitz, Somerville; 5-29

GOGLIA, Antonio (Carpenter) 67 Harrison St., Belleville; vol; liab. $2995.50; assets $200; refr. Porter; solr. Wm. L. Greenbaum, 24 Commerce St., Newark; 5-27

HANSBACH, Samuel, 238 W. Bigelow St., Newark; vol; liab. $1,-993.55; assets none; refr. Porter; solr. Pro se; 6-1

JURIKAS, Alexander Johannes (Carpenter) Fort Mott Road, Pennsville; vol; liab. $5,623.15; assets $125.00; refr. Gaskill; solr. John M. Summerill, Salem; 6-1

KOHN, Samuel S. t/a Trucco Drug & Sundry Co. (Drug business) 75 William St., Newark; invol.; solr. Allan L. Tumarkin, 9 Clinton St., Newark; 5-27

LYON, John M. (Mortgage Loan Appraiser) 18 North Maple Ave., East Orange; vol; liab. $4,029.-45; assets $26,015.00; refr. Porter; solrs. Heine, Peer Laird & Mahr, 744 Broad St., Newark; 6-1

MAIOCCO, Giacomo (James) (Cook) 120 S. Massachusetts Ave., Atlantic City; vol; liab. $4,060.69; assets $2,635.17; refr. Gaskill; solr. John B. Baratta, Atlantic City; 6-1

MALLOY, Harold Eugene (Salesman) 385 Sandford Ave., Hillside; vol; liab. $5,156.44; assets $25.00; refr. Porter; solr. Walter H. Flaherty, 120 Broad St., Elizabeth 6-1

REIDY, Gerald W. (Clerk) Maywood; vol; liab. $9400; assets $200; refr. Grimshaw, Paterson; solr. Francis P. Oddo, 173 Main St., Hackensack; 5-28

RICHMOND, William H. and BABEY, John A. i. & t/a Richmond's Drug Store, 462 Park Ave., Plainfield; vol; liab. $26,-255; assets $3000; refr. Porter; solr. Miron W. Walley, Unipn Bldg., Plainfield; 5-29

SHINDELL, J. Franklin (Insurance Agent) 14 Park Pl., Newark; vol; liab. $31087.74; assets $10775; refr. Porter; solr. Robert P. Silberman, 11 Commerce St., Newark 5-27

SMITH, Martin (sub-dealer milk route man) 208 Carmito Ave., Rutherford; vol; liab. $3421.29; assets $1717; refr. Grimshaw, Paterson; solr. Herbert J. Franklin, 4 Station Square, Rutherford; 5-28

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COURT AND MOTION CALENDAR

COUNTY	COURT	JUDGE	CLERK	HIGH NO. THIS WEEK	HIGH NO. IN DAILY CALL	MOTION DAYS	COUNTY CLERK	SHERIFF
Atlantic	Sup. and Cir.	Hon. Wilfred H. Jayne	William A. Blair	280		Fridays at Atlantic City	William A. Blair	Walter S. Jeffries
Bergen	Sup. and Cir. Com. Pleas	Hon. Edwin C. Caffrey Hon. A. Demorest Del Mar	Eugene H. Jorel Fred. V. Kellogg	242	445 242	Friday, June 18 Every Wednesday	James W. Mercer	Benjamin Dawson
Burlington	Sup. and Cir.	Hon. Wilfred H. Jayne	Elizabeth I. Reis	Not Sitting		Fridays at Atlantic City	Lawrence G. Mingin	John M. Chant
Camden	Sup. and Cir.	Hon. V. Claude Palmer	Joseph E. Halpern	138		Every Friday	Leslie H. Ewing	Jos. H. Van Meter
Cape May	Sup. and Cir.	Hon. Wilfred H. Jayne	Stirling W. Cole	Not Sitting		Fridays at Atlantic City	Stirling W. Cole	Paul M. Seull
Cumberland	Sup. and Cir.	Hon. Samuel M. Shay	Frank G. Wettstein		Not Sitting		Frank G. Wettstein	William P. Riggin
Essex	Sup. and Cir. Com. Pleas	Hon. Joseph L. Smith Hon. Newton H. Porter Hon. Dallas Flannagan Hon. Walter Van Riper	John Hayden Frank L. Fischer Thomas Cashill David Hahn	1350 187	1341 187	Friday, June 18 Friday, June 11 Friday, June 11 Friday, June 18	Russell G. Gates	James A. McRell
Gloucester	Sup. and Cir.	Hon. Samuel M. Shay	R. Edward Klaisz		Trials —	May 24 to June 10	R. Ed. Klaisz	E. Arlington Jones
Hudson	Supreme Circuit Com. Pleas	Hon. Henry E. Ackerson, Jr. Hon. Thomas Brown Hon. Robert V. Kinkead Hon. James R. Erwin	John P. Dalton Thomas J. Gillen James J. Walker Edward M. Smith	510 185 639 640	470 177 651 614	Friday, June 11 Friday, June 18 See Court Notes	Gustav Bach	Hugh F. Paris
Hunterdon	Sup. and Cir.	Hon. Samuel M. Shay	Charles L. Fell		Not Sitting		C. Lloyd Fell	Wm. M. Schomp
Mercer	Sup. and Cir. Com. Pleas	Hon. A. Dayton Oliphant Hon. James S. Turp	Chas. P. Hutchinson Chas. P. Hutchinson	92		Fridays Every Friday	Chas. P. Hutchinson	Herbert W. Bradley
Middlesex	Sup. and Cir.	Hon. John C. Barbour	William J. White	Not Sitting		Friday, June 18	George Cathers	F. Herdman Hardy
Monmouth	Sup. and Cir.	Hon. Rulif V. Lawrence	Bert Lugannani			Trials begin July 6	Jos. McDermott	Geo. H. Roberts
Morris	Sup. and Cir.	Hon. Rulif V. Lawrence	E. Bertram Mott		Trials —	June 21 to July 2	E. Bertram Mott	Fred S. Myers
Ocean	Sup. and Cir.	Hon. Rulif V. Lawrence	Granville M. Price		Not Sitting		John A. Ernst	Walter H. Applegate
Passaic	Sup. and Cir. Com. Pleas	Hon. Joseph G. Wolber Hon. Joseph A. Delaney Robert H. Davidson	Saul Lippman Bernard O'Brien John Summers	420	407	Every Friday	Lloyd B. Marsh	John A. Gavin
Salem	Sup. and Cir.	Hon. Samuel M. Shay	Walter P. Ballinger			Not Sitting	Walter P. Ballinger	Peter B. Hoff
Somerset	Sup. and Cir.	Hon. Rulif V. Lawrence	Walter K. Crater		Trials —	June 7 to June 18	Walter K. Crater	Thomas C. Vail
Sussex	Sup. and Cir.	Hon. Joseph G. Wolber	Arthur L. Wilcox	Not Sitting			Arthur L. Wilcox	Sydney Webster
Union	Sup. and Cir. Com. Pleas	Hon. Frank L. Cleary Hon. Lloyd Thompson	Raymond Schneider Herbert Saxe	208 164	199 164	Friday, June 11 See Court Notes	Henry G. Nulton	Lee S. Rigby
Warren	Sup. and Cir.	Hon. Rulif V. Lawrence	Ramsey Reese		Not Sitting		Ramsey Reese	Emanuel C. Tyce

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Zemel and Miller announce the dissolution of their partnership. Louis J. Miller is located at 264 Market Street, and Louis Zemel will remain at 760 Broad Street, Newark, N. J.

Matters Relating to Entry, Stay, Deportation and Naturalization of Aliens
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Court Notes

Federal Court

Federal Judge Forman will preside in Federal Court at Newark on motion days during the Summer Term, beginning July 19. He will return each Monday until August 30. Judge Forman will also hear motions at Trenton July 23, August 6 and 20 and September 30 at Camden on August 13 and 27.

Bergen County

There will be no trials of Supreme and Circuit Court cases until Tuesday, June 15th.

Essex County

There will be no weekly call made in the Supreme, Circuit and Common Pleas Courts on Friday, June 11th.

Common Pleas motions pertaining to Civil Actions at Law are heard by Judge Hartshorne every Monday at 11 o'clock.

Supreme Court motions to be heard by Justice Parker on his regular motion days held on the second and fourth Saturdays of each month may be listed in advance with Saul H. Kirschenbaum, Official Stenographic Reporter, Room 415, Court House, Newark, New Jersey.

Justice Parker prefers that exparte matters be handled by mail. All such matters may be mailed direct to him at 19 South Street, Morristown. Be sure to enclose a self-adressed return envelope with sufficient postage to cover the cost of return.

Hudson County

There will be no Circuit Court Cases tried until the September 1937 Term as Judge Brown is assisting Judge Ackerson with trials in the Supreme Court.

Common Pleas motions are heard on Fridays by a Criminal Court Judge. Criminal Judges for the April Term, Hon. Thomas F. Meaney and Hon. Thomas H. Brown.

Chief Justice Thomas J. Brogan will hear Supreme Court motions on Saturday, June 12, at the Court House, Jersey City, at 9 A.M.

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Mercer County

Judge Turp hears Common Pleas motions on Fridays.

Justice Thomas Trenchard hears Supreme Court motions in his Chambers, at the State House Annex, Trenton, at 10:00 A. M., every Friday.

Middlesex County

There will be no trials of Supreme, Circuit and Common Pleas Court cases until the September Term.

Hon. Adrian Lyon hears Common Pleas motions every Friday except during the month of August.

Union County

Hon. Edward A. McGrath hears Common Pleas motions every day.

Passaic County Bar Association

The Unlawful Practice Committee of the Passaic County Bar under the chairmanship of M. D. Miriello has been active discussions on the unlawful tice of law by notaries justices of the peace and cial collection agencies.

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